TITLE 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES OCCUPATIONAL LICENSING

ARTICLE 1. LICENSING OF MIDWIFERY

Article 1, consisting of Sections R9-16-101 through R9-16-112 and Exhibits A through E, adopted effective as noted in Section Historical Notes (Supp. 94-1).

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R9-16-101. Definitions
R9-16-102. Qualifications for Licensure
Exhibit A. Repealed
R9-16-103. Application for Licensure
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Exhibit C. Preceptor Rating Guide
R9-16-104. Qualifying Examination
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R9-16-105.01. Time-frames
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Article 2, consisting of Sections R9-16-201 through R9-16-209, adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

Article 2, consisting of Sections R9-16-201 through R9-16-207 and R9-16-211 through R9-16-214, repealed effective March 14, 1994 (Supp. 94-1).

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R9-16-212. Repealed
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R9-16-214. Repealed

ARTICLE 3. LICENSING HEARING AID DISPENSERS

Article 3, consisting of Sections R9-16-301 through R9-16-314, adopted effective June 25, 1993 (Supp. 93-1).

Article 3, consisting of Sections R9-16-301 through R9-16-305, repealed effective June 25, 1993 (Supp. 93-1).

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R9-16-304. Sponsors
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R9-16-410. Repealed
R9-16-411. Repealed
R9-16-412. Repealed
R9-16-413. Repealed

ARTICLE 1. LICENSING OF MIDWIFERY

R9-16-101. Definitions

In Article 1, unless the context otherwise requires:

1. "Abnormal presentation" means the fetus is not in a head down position with the crown of the head being the leading body part.
2. "ABO" means the classification of blood types.
3. "ADHS" or "Department" mean the Arizona Department of Health Services.
4. "Amniotic" means the fluid surrounding the fetus while in the mother's uterus.
5. "Apgar score" means the numerical score assigned to a newborn's physical condition at birth based on a rating of zero to 2 given to selected body functions.
6. "Apprenticeship" means the period of time, under the direction of a preceptor, during which a student obtains all of the necessary theoretical, clinical, and practical application and intervention skills and knowledge required to be licensed pursuant to these rules.
7. "Aseptic" means free of germs.
8. "Cervix" means the narrow lower end of the uterus which protrudes into the cavity of the vagina.
9. "Consultation" means communication between a licensed midwife and physician for the purpose of receiving and implementing prospective advice regarding the care of a pregnant woman or infant.
10. "Core subjects" means the portion of study related to a woman's reproductive cycle and fetal/infant development including: human anatomy and physiology, embryology,

biology, genetics, pharmacology, psychology and nutrition.

11. "Dilation" means opening of the cervix during the mechanism of labor to allow for passage of the fetus.
12. "Direction" means the advice provided by a preceptor to a student to assist in making changes in performance without necessarily being in attendance.
13. "Effacement" means the gradual thinning of the cervix during the mechanism of labor and indicates progress in labor.
14. "Episiotomy" means the cutting of the perineum, center, middle, or midline, in order to enlarge the vaginal opening for delivery.
15. "Fetus" refers to the infant in the mother's uterus.
16. "HIV+" means a positive test for the Human Immunodeficiency Virus.
17. "Infant" means a human being between birth and two years of age.
18. "Informed Consent" means a document signed by a client consenting to the provision of midwifery services, following receipt of information and education from a licensed midwife in accordance with R9-16-106(D).
19. "Intrapartum" means occurring from the onset of labor until after the delivery of the placenta.
20. "Ketones" means certain harmful chemical elements which are present in the body in excessive amounts when there is a compromised bodily function.
21. "Local registrar" means a person appointed by the state's registrar of vital statistics for a registration district whose duty includes receipt of birth and death certificates for births and deaths occurring within that district for review, registration, and transmittal to the state office of vital records in accordance with A.R.S. Title 36, Chapter 3.
22. "Low risk" means that the expected outcome of pregnancy, determined through physical assessment and review of the obstetrical history shall most likely be that of a healthy woman giving birth to a healthy infant and expelling an intact placenta.
23. "Meconium" means the first bowel movement of the newborn, which is greenish black in color and tarry in consistency.
24. "Multipara" means a woman who has given birth more than once.
25. "Newborn" means an infant who is within the first 28 days of life.
26. "Observation" means the planned learning experience where the student midwife obtains knowledge through watching a licensed, registered, or certified midwife, or certified nurse midwife or physician provide obstetric service to a mother or newborn.
27. "Parity" means the number of infants a woman has delivered.
28. "Perineum" means the muscular region in the female between the vaginal opening and the anus.
29. "Physician" means a medical, osteopathic, or naturopathic practitioner licensed pursuant to A.R.S. Title 32, Chapters 13, 14, and 17, who has an obstetric practice.
30. "Postpartum" means the six-week period following delivery of an infant and placenta.
31. "Preceptor" means an Arizona-licensed midwife, certified nurse-midwife, physician, or a midwife who is certified, registered, or licensed by another state and who is responsible for supervising a person preparing to be licensed as a midwife during the person's apprenticeship period.
32. "Prenatal" means the period from conception to the onset of labor and birth.
33. "Prenatal care" means the on-going risk assessments, clinical examinations, and prenatal, nutritional, and anticipatory guidance offered to a pregnant woman.
34. "Prenatal visit" means each clinical examination of a pregnant woman for the purpose of monitoring the course of the pregnancy and the overall health of the woman.
35. "Primigravida" means a woman who is pregnant for the first time.
36. "Primipara" means a woman who has given birth to her first infant.
37. "Quickening" means the first perceptible movement of the fetus in the uterus, appearing usually in the 16th to the 20th week of pregnancy.
38. "Rh" means a blood antigen.
39. "Shoulder dystocia" means the shoulders of the fetus are wedged in the mother's pelvis in such a way that the fetus is unable to be born without emergency action by the midwife.
40. "Supervision" means, in a preceptor-student midwife relationship, overseeing a student's learning activities while retaining full responsibility for the care of the client and being present during new procedures.
41. "Transfer of care" means that the midwife refers the care of the client to a medical facility or physician who then assumes responsibility for the direct care of the client.
42. "Universal precautions" means the handling of all materials and instruments which may contain or have been in contact with blood or bodily fluids in accordance with the "Update: Universal Precautions for the Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings," *Morbidity and Mortality Weekly Report*, June 24, 1988, Vol. 37, No. 24, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, incorporated herein by reference and on file with the Office of the Secretary of State.

Historical Note

Section repealed, new Section adopted effective March 14, 1994 (Supp. 94-1).

R9-16-102. Qualifications for Licensure

According to A.R.S. § 36-755(B)(4), to qualify for a midwife license, an applicant shall:

1. Be 18 years of age or older;
2. Have a high school diploma or a high school equivalency diploma;
3. Be of good moral character;
4. Be currently certified by the American Heart Association in adult basic cardiopulmonary resuscitation;
5. Be currently certified by the American Academy of Pediatrics in neonatal cardiopulmonary resuscitation;
6. Submit a letter of recommendation from a certified nurse-midwife, a licensed midwife, or a physician that contains the recommending individual's signature, title, address, and telephone number and date of the recommendation; and
7. Submit a letter of recommendation from a mother for whom the applicant has provided midwifery services that contains the mother's signature, address, and telephone number and date of the recommendation.

Historical Note

Section repealed, new Section adopted effective March 14, 1994 (Supp. 94-1). Amended by final rulemaking at 8

A.A.R. 2896, effective June 18, 2002 (Supp. 02-2).

Exhibit A. Repealed

Historical Note
Section repealed, new Section adopted effective March 14, 1994 (Supp. 94-1). Exhibit A repealed by final rulemaking at 8 A.A.R. 2896, effective June 18, 2002 (Supp. 02-2).

R9-16-103. Application for Licensure

A. An applicant for a license to practice midwifery shall submit the following information to the Department on forms prescribed by the Director:
1. A completed application packet with notarized preceptor signature;
2. A filing fee of $25; and
3. A 2" x 2" photograph of the applicant.

B. A completed application, shown as Exhibit B, including the validation of midwifery apprenticeship signed by the applicant's preceptor, shall be submitted to the Director by an applicant on or before March 15 if an applicant desires to sit for the June administration of the licensing exam, or on or before July 15 if the applicant desires to sit for the fall administration of the examination.

C. All documents required to be submitted in applying for licensure shall be an original or a certified copy of an original.

D. The Director may refuse to consider any application which is not complete. An applicant shall provide a more detailed response to any request by the Director for additional information.

E. Each applicant shall provide evidence of having obtained a score of 80% or better in each of the core subjects from accredited college-level courses, or through self study and demonstration of competencies and knowledge to a preceptor at a level of above average or excellent in each of the core subjects. A preceptor shall utilize the standards in the Preceptor Rating Guide which is set forth in Exhibit C.

F. Each applicant shall provide evidence of having obtained during apprenticeship, under the supervision and direction of a preceptor, an assessment of above average or excellent, based upon the standards in the Preceptor Rating Guide, in each of the following:
1. 60 prenatal care visits to a minimum of 15 women;
2. Attendance at the labor and delivery of at least 25 live births, for the purpose of observation and to provide assistance to the preceptor;
3. Supervised management of labor and delivery of the newborn and placenta for at least 25 births;
4. 25 newborn examinations;
5. 25 postpartum evaluations of mother and newborn within 72 hours and again at six weeks; and
6. Observation of one complete set of at least 6 prepared childbirth classes offered by a nationally certified childbirth educator or organization.

G. Each applicant shall provide evidence of having obtained during apprenticeship an assessment of above average or excellent, based upon the standards in the Preceptor Rating Guide, from the applicant's preceptor in each of the following:
1. Provision of care during the prenatal, intrapartum, postpartum, and newborn period;
2. Recognition of normal, abnormal, emergency, and complications of expected fetal and maternal conditions and the appropriate application of interventions;
3. Practice of universal precautions in the handling of bodily fluids and the aseptic theory related to the provision of care during a woman's childbearing year;
4. Techniques of drawing blood and performing urine testing, ordering exams as well as the interpretation of results;
5. Performing injections;
6. Suturing;
7. Techniques in the operation and maintenance of office laboratory equipment;
8. Techniques of record maintenance and charting; and
9. Techniques of physical assessment in adults and newborns.

H. Applicants determined to be eligible for the exam and, upon being informed of the exam dates and times in writing by the Department, shall submit a $100 testing fee no later than 30 days prior to the date of the examination.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

Department of Health Services – Occupational Licensing

EXHIBIT B. MIDWIFE LICENSE APPLICATION FORM
DIVISION OF FAMILY HEALTH SERVICES

APPLICATION PART I
MIDWIFE APPRENTICESHIP DOCUMENTATION
GENERAL INFORMATION

Office Use Only

Date Stamp	Name:_____ Date:_____	2 X 2 PHOTOGRAPH
	Date of Birth:_____	
F/U Dates	Address:_____	
	_____	
	Phone (home):_____	
	Phone (work):_____	
Accepted for exam on:	ENCLOSE FILING FEE OF $25.00 TESTING FEE IS $100.00	

I. Core Subjects:	**Grade:**	**Study Completed at:**
Anatomy & Physiology	_____	_____
Embryology/Genetics	_____	_____
Pharmacology	_____	_____
Psychology	_____	_____
Nutrition	_____	_____

II. Practical Experience	**Grade:**	**General Experience**	**Grade:**
Prenatal visits (60)	_____	Overall Care	_____
Observe birth (10)	_____	Recognition & Intervention of norm., abnormal & emerg.	_____
L & D Management (25)	_____		
Newborn Exams (25)	_____	Universal Precautions	_____
Postpartum Exam (25)	_____	Technique of obtaining spec.	_____
Childbirth Prep class	_____	Techniques of record manage.	_____
		Physical Assessment Adult & NB	_____

(Refer to attached detail)

III. American Heart Association CPR Certification **Exp. Date**
CPR Adult & Infant (Certified copy of card enclosed) _____

IV. Letters of Recommendation
Three letters of recommendation must be mailed directly to the Program Manager from the following individuals: your preceptor, a physician or certified nurse midwife, and a client.

Have you ever been convicted of a felony? Yes No
Have you ever been convicted of a misdemeanor? Yes No
Explanation:_____

_____

By signing this application, I certify under penalty of law that the information provided anywhere in this application is true, correct, and complete to the best of my knowledge and belief. I also acknowledge that, should investigation at any time disclose any misrepresentation or falsification, my license will be revoked, denied, or suspended. I also authorize the Department to make all necessary and appropriate investigations allowable by law to verify the information provided:

_____
Applicant Date

Social Security # _____

Department of Health Services – Occupational Licensing

DIVISION OF FAMILY HEALTH SERVICES

APPLICATION PART II
VALIDATION OF MIDWIFERY APPRENTICESHIP

Office Use Only

Date Stamp	Date:_____
	Name:_____
	Address:_____
	Apprentice time period. Began on:_____ Completed on:_____

Preceptor Name & Title:_____

Address:_____ Home Phone:_____

Work Address:_____ Work Phone:_____

(Enclose a copy of your current license and circle the expiration date.)

By signing this application, I certify under penalty of law that the information provided anywhere in this application is true, correct, and complete to the best of my knowledge and belief. I also acknowledge that, should investigation at any time disclose any misrepresentation or falsification, my license will be revoked, denied, or suspended. I also authorize the Department to make all necessary and appropriate investigations allowable by law to verify the information provided:

_____

Preceptor's Signature Date

_____

Notary / Expiration Date Date

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

EXHIBIT C. PRECEPTOR RATING GUIDE

The following assessment form is provided to act as a guide for the preceptor and student. This guide will act as a standard to measure student strengths and opportunities for improvement.

1. Excellent: Demonstrates consistently high level of performance using sound scientific principles for practice, able to motivate patient and family in practice, uses consultation, requires minimal supervision.
2. Above Average: Generally performs with competence but requires periodic supervision, uses consultation appropriately, applies sound scientific principles to practice, protects patient's safety and dignity.
3. Average: Performs procedures adequately but needs supervision, can answer questions relative to underlying scientific principles, practice more self-centered than client-centered.
4. Below Average: Needs considerable supervision, can perform skills if has them demonstrated or reinforced; knows most of the principles underlying procedures but needs help in making application in the situation.
5. Unacceptable: Cannot perform skill with even minimal competence, does not know or understand principles underlying the procedures to be performed, practices inappropriately so as to threaten patient's safety, dignity, or comfort. Unable to judge.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-104. Qualifying Examination

A. An applicant for midwifery licensure shall take a three-part examination administered sequentially and biannually by the Department and consisting of the following:
1. A written examination designed to test the applicant's knowledge of the theory of pregnancy, childbirth, and the core subjects;
2. An oral examination designed to test clinical judgment in the practice of licensed midwifery; and
3. A practical examination designed to demonstrate the applicant's mastery of skills necessary for the practice of midwifery.

B. All applicants registered for the examination shall provide proof of identity by a photographic identification upon request of the proctor administering the test. The proctor shall take all necessary and appropriate actions to secure the integrity of the examination process and may change an applicant's seating location or, for good cause, exclude an applicant from the examination.

C. An applicant shall score 80% or more correct in an examination part before being permitted to take the next part of the examination.

D. An applicant shall score 80% correct on all parts of the examination to be eligible for licensure.

E. An applicant who fails the examination shall not be required to retake those parts of the examination for which the applicant scored 80% or more correct if the applicant retests within two years of taking the examination.

Historical Note

Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-105. Initial License Fee; Renewal; Continuing Education

A. An applicant who qualifies for initial licensure shall submit a $25 licensing fee.

B. For purposes of renewal of license, each licensee shall, in accordance with A.R.S. § 36-754(C), file the following with the Department:
1. An application for renewal on the form set forth in Exhibit D.
2. A $25 renewal fee.
3. A signed affidavit as evidence of completion of the continuing education requirement, pursuant to subsection (C), for courses which have been approved by either the American Nurses Association, the American College of Obstetrics and Gynecologists, Midwives Alliance of North America, Arizona Medical Association, or the American College of Nurse Midwives.
4. Evidence of current certification by the American Heart Association in cardiopulmonary resuscitation for the adult and by the American Academy of Pediatrics in newborn resuscitation.

C. During the term of a license, a licensed midwife shall obtain 10 continuing education units which are related to maintaining the skills and judgment necessary to:
1. Assess a client for acceptance and monitor the client's ongoing condition;
2. Plan and manage care during the normal prenatal, intrapartum, and postpartum periods;
3. Intervene when the client's condition deviates from normal.
4. Provide emergency assistance, as permitted by these rules, until medical care can be obtained;
5. Offer anticipatory guidance and support on an ongoing basis for the client and family including nutritional counseling, substance abuse cessation, encouragement for early and continuous care for mother and infant, and motivate the client to establish a relationship with a primary care provider; and
6. Provide referral services to medical and community services as appropriate for the client's needs.

D. A midwife shall submit a written request and a fee of $10.00 to receive a duplicate license.

Historical Note

Adopted effective March 14, 1994, except for subsections (B)(3) and (C) which are effective September 15, 1994 (Supp. 94-1).

EXHIBIT D. RENEWAL APPLICATION FORM
ARIZONA DEPARTMENT OF HEALTH SERVICES
FAMILY HEALTH SERVICES
WOMEN'S AND CHILDREN'S HEALTH
APPLICATION FOR BIENNIAL RENEWAL OF MIDWIFE LICENSE

1. NAME:_____ 2. MIDWIFE LICENSE NUMBER:_____
Last First Middle
3. SOCIAL SECURITY NUMBER:_____ 4. DATE OF BIRTH:_____
(day/month/year)
5. HOME ADDRESS:

_____ (____)_____
Street Address Area Code/Telephone Number

_____
Mailing Address (if different from street address)

_____
City County State Zip

6. BUSINESS ADDRESS:

_____
Business Title

_____ (____)_____
Street Address Area Code/Telephone Number

_____
Mailing Address (if different from street address)

_____
City County State Zip

7. CONSUMER LISTING:
A listing of the licensed midwives is maintained for ADHS use. Consumers and various groups request copies of the listing of licensed midwives. Do you wish to have your name on this list? Yes _____ No _____
If yes, which name, address, and phone number would you like to have on that list?

_____
Name and Business Title

_____ (____)_____
Street or Post Office Box Area Code/Telephone Number

_____
City County State Zip

8. ATTENDING DELIVERIES:
1) If you do not plan to attend any births during the next licensure period (July 1 to June 30), please complete the following statement.
I do not plan to attend any deliveries as a licensed midwife from July 1, ____ to June 30, ____.

Signature:_____

2) If you do attend births after signing this statement, you must submit quarterly reports.

9. MIDWIFERY PRACTICE:

   1) Have you had any maternal deaths during the past licensure period? Yes ____ No ____. If yes, give client name and number.

   _____

   2) Have you delivered any stillborn infants during the past licensure period? Yes ____ No ____. If yes, give client name and number.

   _____

   3) Have any of the infants you delivered died within the first 28 days of life? Yes____ No ____. If yes, give client name and number.

   _____

10. Do you have any communicable diseases (i.e., tuberculosis, rubella, hepatitis, etc.)? Yes ____ No ____. If yes, please explain on a separate sheet of paper.

11. Besides your midwifery license, do you hold any other licenses in Arizona as a health care provider (i.e., R.N., E.M.T., N.D., etc.)? Yes ____ No ____.If yes, what other licenses do you hold?_____

12. Have you been convicted of a felony or a misdemeanor (besides a traffic ticket) during the past licensure period? Yes ____ No ____. If yes, please explain on a separate sheet of paper.

13. What are the backup facilities you expect to use?

    Name Address

    1) Hospitals:_____

    _____

    2) Physicians:_____

    _____

    3) Other:_____

    _____

I certify that the above information is true, complete, and correct.

Signature:_____Date of Application _____

Attach affidavit of continuing education.

****

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Date Renewal Notice Sent _____ Date Renewal Form Returned_____

Application returned on _____ for _____

Date completed application received_____License Renewal Granted:Yes _____ No _____ Other _____

Effective Date of License _____ Application Reviewed by _____

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MIDWIFE LICENSING PROGRAM

AFFIDAVIT OF CONTINUING EDUCATION

(To be attached to application for biennial renewal of license)

A.A.C. R9-16-105(C) requires a licensed midwife to obtain 10 continuing education units (CEUs) during the term of a license. A CEU is defined by the approving agency.

Units are acceptable for continuing education when approved by 1 of the following:

American Nurses Association
American College of Obstetrics and Gynecologists
American Medical Association
Midwives Alliance of North America
American College of Nurse Midwives

COMPLETE THE FOLLOWING:

NAME: ADDRESS:

CITY/STATE/ZIP

TITLE	SPONSOR/AGENCY	DATE	CITY/STATE	CEUs/HOURS

I hereby swear or affirm that the information given on this form is accurate and complete, and that I have maintained records as evidence of compliance.

SIGNATURE DATE

Subscribed and sworn to before me this _____ day of _____, 20___.

_____
NOTARY PUBLIC

My commission expires:_____

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-105.01. Time-frames

A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Department is specified in Table 1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25 percent of the overall time-frame.

B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Department is specified in Table 1.

1. The administrative completeness review time-frame begins:
   a. For an applicant submitting the application in R9-16-103, when the Department receives the application packet required in R9-16-103;
   b. For an applicant who is requesting approval to take the oral part of the midwifery examination, when the applicant completes taking the written part of the midwifery examination;
   c. For an applicant for licensure, when the applicant completes taking the practical part of the midwifery examination; and
   d. For a licensed midwife applying to renew a midwifery license, when the Department receives the application required in R9-16-105.
2. If an application submitted under R9-16-103 is:
   a. Incomplete, the Department shall provide a deficiency notice to the applicant describing the missing documentation or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives the documentation or information listed in the deficiency notice. An applicant shall submit to the Department the documentation or information listed in the deficiency notice within the time specified in Table 1 for responding to a deficiency notice.
      i. If the applicant submits the documentation or information listed in the deficiency notice within the time specified in Table 1, the Department shall provide a written notice of administrative completeness to the applicant.
      ii. If the applicant does not submit the documentation or information listed in the deficiency notice within the time specified in Table 1, the Department considers the application withdrawn and shall return the application packet to the applicant; or
   b. Complete, the Department shall provide a notice of administrative completeness to the applicant.
3. If an applicant takes and submits a part of the midwifery examination in R9-16-104 and the examination part is:
   a. Incomplete, the Department shall provide a deficiency notice to the applicant stating that the applicant's examination part is incomplete and identifying the date of the next scheduled examination. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the Department receives a completed part of the midwifery examination; or
   b. Complete, the Department shall provide a written notice of administrative completeness to the applicant.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) is specified in Table 1 and begins to run on the date of the notice of administrative completeness.

1. If an application submitted under R9-16-103 or R9-16-105:
   a. Does not comply with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide a written request for additional information to the applicant.
      i. If the applicant does not submit the additional information within the time specified in Table 1 or the additional information submitted by the applicant does not demonstrate compliance with this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide the applicant a written notice of denial that complies with A.R.S. § 41-1092.03(A); or
      ii. If the applicant submits the additional information within the time specified in Table 1 and the additional information submitted by the applicant demonstrates compliance with this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide a written notice of approval to take the examination to the applicant; or
   b. Complies with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide a written notice of approval to take the examination to the applicant.
2. If the Department determines that an applicant:
   a. Failed to take any part of the midwifery examination within the time specified in subsection (F), the Department shall provide a written notice to the applicant requiring the applicant to submit a new application in R9-16-403;
   b. Failed any part of the midwifery examination, the Department shall provide a written notice of appealable agency action that complies with A.R.S. Title 41, Chapter 6, Article 10 to the applicant; or
   c. Passed all parts of the midwifery examination, the Department shall issue a midwifery license to the applicant.
3. If an application for renewal of a midwifery license in R9-16-105:
   a. Does not comply with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide a comprehensive request for additional information to the applicant;
      i. If the applicant does not submit the additional information within the time specified in Table 1 or the additional information submitted does not demonstrate compliance with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide a written notice of appealable agency action that complies with A.R.S. Title 41, Chapter 6, Article 10 to the applicant; or
      ii. If the applicant submits the additional information within the time specified in Table 1 and the additional information demonstrates compliance with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall issue a midwifery renewal

license to the applicant; or

b. Complies with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall issue a midwifery renewal license to the applicant.

D. If an applicant receives a written notice of appealable agency action under subsection (C)(2)(b) or (C)(3)(a)(i), the applicant may file a notice of appeal with the Department within 30 days after receiving the notice of appealable agency action. The appeal shall be conducted according to A.R.S. Title 41, Chapter 6, Article 10.

E. If the Department grants approval of an application or approval to take a part of the midwifery examination or renews a midwifery license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

F. If an applicant does not take a part of the midwifery examination within 12 months of the Department's approval to take the midwifery examination, the applicant shall, before taking any part of the midwifery examination:

1. Submit a new application for Department approval and the application fee required in R9-16-103;
2. Receive Department approval to take the midwifery examination; and
3. Submit the nonrefundable examination fee required in R9-16-104.

G. If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the Department considers the next business day as the time-frame's last day.

Table 1. Time-frames

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Time to Respond to Deficiency Notice	Substantive Review Time-Frame	Time to Respond to Comprehensive Written Request
Approval of application in R9-16-103	A.R.S. §§ 36-753, 36-754, and 36-755	75 days	30 days	60 days	45 days	120 days
Approval to take oral midwifery examination (R9-16-104)	A.R.S. § 36-755	75 days	15 days	180 days	60 days	180 days
Initial Licensure (R9-16-104)	A.R.S. §§ 36-753, 36-754, and 36-755	45 days	30 days	60 days	15 days	30 days
Midwifery License Renewal (R9-16-105)	A.R.S. § 36-754	60 days	30 days	30 days	30 days	15 days

Historical Note

New Section made by final rulemaking at 8 A.A.R. 2896, effective June 18, 2002 (Supp. 02-2).

R9-16-106. Responsibilities of the Licensed Midwife

A. A midwife shall provide care only to clients determined to be low risk.

B. A midwife shall maintain all instruments used for delivery in an aseptic manner and other birthing equipment and supplies in clean and good condition.

C. A midwife shall both initially and periodically thereafter assess a client's physical condition in order to establish the client's continuing eligibility to receive midwifery services.

D. A midwife shall inform clients, both orally and in writing, of the midwife's scope of practice; the risks and benefits of home birth; the required tests and potential risks to a newborn if refused, and the need for written documentation of client's refusal; the use of a physician or medical facility for the provision of emergency consultation or services; midwife facilitation of the transfer of care to the physician or medical facility; and the midwife's termination of care should certain medical conditions arise or the client refuses intervention. A written informed consent shall be signed by the client upon acceptance for midwifery care.

E. Initial care and care during the prenatal period shall be provided as follows:

1. The following tests shall be scheduled or ordered during the 1st visit:
   a. Blood type, including ABO and Rh, with antibody screen;
   b. Urinalysis;
   c. Hematocrit, hemoglobin, or complete blood count, initially and rechecked at 28 to 36 weeks of the pregnancy;
   d. Syphilis, gonorrhea, and chlamydia testing, unless a written refusal for gonorrhea or chlamydia testing is obtained from the client;
   e. Rubella titer; and
   f. One-hour blood glucose screening test for diabetes, between 24 to 28 weeks of the pregnancy.
2. Prenatal visits shall be conducted at least every 4 weeks until 28 weeks gestation, every 2 weeks from 28 weeks until 36 weeks gestation, and weekly thereafter, and each shall include;
   a. The taking of weight, urinalysis for protein, nitrites, glucose and ketones, blood pressure, and assessment of the lower extremities for swelling;
   b. Measurement of the fundal height and listening for fetal heart tones and, later in the pregnancy, feeling the abdomen to determine the position of the fetus;

c. Referral of a client as appropriate for ultrasound or other studies recommended based upon examination or history;
d. Recommendation of administration of the drug RhoGam to unsensitized Rh negative mothers after 28 weeks, or any time bleeding or invasive uterine procedures are done, or midwife administration of RhoGam under physician's written orders; and
e. Fetal movement counts by client beginning at 28 weeks gestation.

3. Fetal heart tones with fetoscope and documentation of 1st quickening shall begin between 18 and 20 weeks gestation and weekly visits shall be conducted until these signs have occurred. If these signs do not occur by 22 weeks gestation, medical consultation shall be initiated.
4. A visit shall be made to the client's home prior to 35 weeks gestation to ensure that the birthing environment is appropriate for birth and that a working telephone or citizen's band radio is available.

F. Care during the intrapartum period shall be provided as follows:

1. The midwife shall initially determine if the client is in labor and the appropriate course of action to be taken by:
   a. Assessing the interval, duration, intensity, location, and pattern of the contractions;
   b. Determining the condition of the membranes, whether intact, ruptured, and the amount and color of fluid;
   c. Evaluating the presence of bloody show;
   d. Reviewing with the client the need for an adequate fluid intake, relaxation, activity, and emergency management; and
   e. Deciding whether to go to client's home, remain in telephone contact, or arrange for transfer of care or consultation.
2. During labor, the condition of the mother and fetus shall be assessed upon initial contact, every half hour in active labor until completely dilated, and every 15 to 20 minutes during pushing, after the bag of water has ruptured or until the newborn is delivered. Care shall include the following:
   a. Checking of vital signs every 2 to 4 hours and an initial physical assessment of the mother;
   b. Assessment of fetal heart tones every 30 minutes in active 1st stage labor, and every 15 minutes during 2nd stage, following rupture of the amniotic bag or with any significant change in labor patterns;
   c. Periodic assessment of contractions, fetal presentation, dilation, effacement, and position by vaginal examination;
   d. Determination of the progress of active labor for primiparas by determining if dilation occurs at an average of 1 cm/hr until completely dilated, and a 2nd stage not to exceed 2 hours;
   e. Determination of a normal progress of active labor for multigravidas by determining if dilation occurs at an average of 1.5 to 2 cm/hr until completely dilated, and a 2nd stage not to exceed 1 hour;
   f. Maintenance of proper fluid balance for the mother throughout labor as determined by urinary output and monitoring urine for presence of ketones, at least every 2 hours; and
   g. Assisting in support and comfort measures to the mother and family.
3. After delivery of the newborn, care shall include the following:
   a. Assessment of the newborn at 1 minute and 5 minutes to determine the Apgar scores;
   b. Physical assessment of the newborn for any abnormalities;
   c. Inspection of the mother's perineum for lacerations; and
   d. Delivery of the placenta within 40 minutes during which time the midwife shall assess for signs of separation, frank or occult bleeding, examine for intactness, and determine the number of umbilical cord vessels.
4. The responsibility of the midwife shall include recognition of and response to any situation requiring immediate intervention.

G. A midwife shall provide the following care during the postpartum period:

1. During the immediate postpartum period of 2 hours after delivery of the placenta, care of the mother shall include:
   a. Taking of vital signs of the mother with external massage of the uterus and evaluation of bleeding every 15 to 20 minutes for the 1st hour and every half hour for the 2nd hour;
   b. Assisting the mother to urinate within 2 hours following the birth;
   c. Evaluating the perineum for tears, bleeding, or blood clots;
   d. Assisting with maternal and infant bonding;
   e. Assisting with initial breast feeding, instructing the mother in the care of the breast, and reviewing potential danger signs, if appropriate;
   f. Providing instruction and support to the family to ensure adequate fluid and nutritional intake, rest, and type of exercise allowed, normal and abnormal bleeding, bladder and bowel function, appropriate baby care, and any danger signals with appropriate emergency phone numbers;
   g. Recommending the drug RhoGam or administering it, under written physician's orders, to an unsensitized Rh-negative mother who delivers an Rh-positive newborn. Administration shall occur not later than 72 hours after birth.
2. During the immediate postpartum period of 2 hours after delivery of the placenta, care of the newborn shall include:
   a. Perform a newborn physical exam to determine the newborn's gestational age and any abnormalities;
   b. Apply erythromycin optic ointment or other preparation specifically approved by the Director to each of the newborn's eyes in accordance with A.A.C. R9-6-718; and
   c. Recommend or administer Vitamin K under physician's written orders to the newborn. Administration shall occur not later than 72 hours after birth.
3. Any abnormal or emergency situation shall be evaluated and consultation or intervention sought in accordance with these rules.
4. The condition of the mother and newborn shall be re-evaluated between 24 and 72 hours of delivery to determine whether the recovery is following a normal course and shall include:
   a. Assessment of baseline indicators such as the mother's vital signs, bowel and bladder function, bleeding, breasts, feeding of the newborn, sleep/rest cycle, activity with any recommendations for change;

b. Assessment of baseline indicators of well-being in the newborn such as vital signs, weight, cry, suck and feeding, fontanel, sleeping, bowel and bladder function with documentation of meconium, and any recommendations for changes made to the family;
c. Submission of blood obtained from a heel stick to the newborn to the Regional Genetic Screening Laboratory, P.O. Box 17123, Denver, Colorado 80217, for metabolic screening for common genetic disorders, within 72 hours of the birth, unless a written refusal is obtained from the client and documented in the newborn's record.
d. Recommendation to the mother to secure medical follow-up for her newborn; and
e. Advice on the necessity of family planning interventions for the couple.

H. The midwife shall file a birth certificate with the local registrar within 7 days after the birth of the newborn.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-107. Recordkeeping and Report Requirements

A. Each midwife shall establish and maintain a record of the care provided and data gathered for each client.
B. Information in the client's record shall be released by the midwife only with the written consent of the client, legal guardian, or as otherwise provided by law.
C. If a client is a minor, informed consent shall be signed by the parent or legal guardian except as provided in A.R.S. § 44-132 and shall be filed in the client's record.
D. A midwife shall make records available to other health care providers engaged in the care and treatment of the client and upon request by the Department for periodic quality review.
E. A midwife shall maintain evidence of medical evaluation and physician visits in the client's record. Such evidence shall consist of either a report signed by the physician, a copy of the medical and physician notes, or other documentation received from the physician or medical provider.
F. A midwife shall enter a date for each entry in the prenatal record and the postpartum record. A date and time shall be recorded for each entry in the labor record. Each entry shall be initialed or signed by the midwife. If initials are used, the midwife shall sign on the same page.
G. Each licensed midwife shall submit a client summary report for each client to the Department. Such reports shall be submitted within 15 days after the close of each quarter on the form set forth as Exhibit E.
H. Each client's record shall contain the following information, as applicable:
1. Client identification sheet, including name, address, date of birth, sex, next of kin, spouse or other designated person, directions to the client's home, telephone number, and marital status;
2. Health history sheet including pre-existing conditions or surgeries, previous pregnancies, physical examination, nutritional status, and a written assessment of risk factors with an intervention plan when risk factors that require termination of the agreement are present;
3. Progress notes of all encounters with the midwife and other health care consultants, in chronological order, documenting any actions, guidance, and consultations, with copies if appropriate;
4. Laboratory and diagnostic reports;
5. Written informed consent which is signed by the client.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

EXHIBIT E. INDIVIDUAL QUARTERLY REPORT

ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF MATERNAL AND CHILD HEALTH

MIDWIVES QUARTERLY REPORT

_____
MIDWIFE

1. |__|__|__|__| LIC. NO. 2. |__| QTR. |__|__| YR.

_____
REPORT PREPARED BY DATE

3. PATIENT:_____
LAST FIRST MAIDEN

4. D.O.B. |__|__| MO. |__|__| DAY |__|__| YR. 5. |__|__| AGE 6. |__|__|__| PT. NO.

7. REGISTERED: |__|__| MO. |__|__| DAY |__|__| YR. 8. E.D.C. |__|__| MO. |__|__| DAY |__|__| YR. 9. DELIVERED: |__|__| MO. |__|__| DAY |__|__| YR.

10. GRAVIDA:|__|__| 11. PARA. TERM:|__|__| PREMATURE:|__|__| ABORTIONS:|__|__| LIVING|__|__|

*12. PREV. HOME BIRTH:YES/NO *13. REASON FOR CHOOSING H.B.:_____

ANTEPARTUM:14. NO. MIDWIFE VISITS:_____15. NO. MEDICAL VISITS:_____

16. MEDICAL VISITS BY:_____ MD/DO/OTHER:_____
17. DATES OF FIRST AND LAST MEDICAL VISITS:_____
18. TOTAL WEIGHT GAIN:|__|__| LBS.

FORMAL ARRANGEMENT FOR MEDICAL BACK-UP:
19. PHYSICIAN:_____, MD/DO20. HOSPITAL:_____

21. MIDWIFE CARE TERMINATED AT |__|__| WKS. GEST. 22. REASON:_____
(ENTER CODE NO. FROM BACK)

LABORATORY DATA: (MOST RECENT)

STUDY	RESULT	WKS. GEST.	STUDY	RESULT	WKS. GEST.
Hemoglobin	23.	24.	Ua/Glucose	37. Pos/Neg	38.
Hematocrit	25.	26.	Ua/Protein	39. Pos/Neg	40.
Serology	27. Pos/Neg	28.	*Ua/Ketones	41. Pos/Neg	42.
*Rubella Titer	29. >1:10/<1:10	30.	*Ua/Microscopic	43. Pos/Neg	44.
Rh Factor	31. Pos/Neg	32.	*G.C. Culture	45. Pos/Neg	46.
*Antibody Titer	33. Pos/Neg	34.	*	47.	48.
			*	49.	50.
*Pap Smear	35. Class_____	36.	*	51.	52.

LABOR/DELIVERY:LOCATION OF:53. LABOR_____ 54. DELIVERY_____
55. FIRST STAGE |__|__| HRS. |__|__| MINS. 56. SECOND STAGE |__|__| HRS. |__|__| MINS. 57. THIRD STAGE |__|__| HRS. |__|__| MINS.
58. ROM TO DEL: |__|__| HRS. |__|__| MINS. 59. E.B.L. |__|__|__|__| ml.

NEWBORN:60. SEX: MALE/FEMALE 61. WT. |__|__|__|__| gm. 62. LENGTH |__|__| cm.
63. H.C. |__|__| cm. 64. EST. GEST. AGE |__|__| WKS. 65. SGA / AGA / LGA
APGAR SCORE:68. 1 MIN._____ 67. 5 MINS._____ 68. NO. CORD VESSELS |__|
69. EYE PROPHYLAXIS: NO/YES:_____70. DATE OF METABOLIC SCREENING |__|__| MO. |__|__| DAY |__|__| YR.
(AGENT)

FOLLOWUP:71. RhoGam: YES/NO72. FIRST MIDWIFE VISIT AT: 24 HRS./24-48 HRS./48-72 HRS./Other:_____
73. TOTAL NO. VISITS:_____ 74. VISITS BY_____L.M./S.M./OTHER
ROUTINE PHYSICIAN EVALUATION75. MOTHER: YES/NO 76. BABY: YES/NO
LIMITATIONS/COMPLICATIONS/CONSULTATIONS/TRANSFER: (FROM INITIAL WORK-UP THROUGH FOLLOW-UP)
77. _____NONE _____YES: (Detail on back)

*OPTIONAL
ORIGINAL TO ADHS
COPY TO MIDWIFE

EXHIBIT E. INDIVIDUAL QUARTERLY REPORT (continued)

MIDWIFE QUARTERLY REPORT

CLIENT CONDITIONS / COMPLICATIONS

Check (✓) any of the following conditions/limitations/complications encountered. Complete a CONSULTATION/TRANSPORT SUMMARY if client or newborn required transport and/or transfer to physician care, or if you have additional information/comments to provide.

INITIAL WORKUP
- ☐ 1. Age 15-18 Yrs.
- ☐ 2. Age >35 Yrs.
- ☐ 3. Parity > 4
- ☐ 4. Congenital Defects of Reprod. Organs
- ☐ 5. Abn. Findings on Physical Exam

HISTORY OF:
- ☐ 6. Stillbirth
- ☐ 7. Neonatal Dean
- ☐ 8. Difficult Dr./Depressed Infant
- ☐ 9. Birth trauma to mother/infant
- ☐ 10. Pre-eclampsia Eclampsia

HISTORY OF:
- ☐ 11. Preterm or LBW infants (2500gms/5 1/2 lbs.)
- ☐ 12. Infants 4500gm/10 lbs. or greater
- ☐ 13. Postpartum hemorrhage/ transfusion
- ☐ 14. Other:_____

CONSULTATION

15. Dr. _____

16. Date _____

17. Approved for home birth:
☐ Yes ☐ No

ANTEPARTUM
- ☐ 18. Elevated BP
- ☐ 19. Edema, Hands/face
- ☐ 20. Persistent headaches
- ☐ 21. Visual disturbances
- ☐ 22. Seizures
- ☐ 23. Severe Abdom. Pain
- ☐ 24. Bleeding 1st or 2nd Trimester
- ☐ 25. Bleeding 3rd Trim.
- ☐ 26. U.T.I.
- ☐ 27. HGB < 10 gm/or HCT < 30%
- ☐ 28. Varicosities, vulva/legs
- ☐ 29. Elevated Temp.
- ☐ 30. 42 Wks. Gestation
- ☐ 31. Excessive vomiting
- ☐ 32. Persistent Ketonuria
- ☐ 33. Wt. Gain < 10 lb. at Term
- ☐ 34. Shortness of Breath
- ☐ 35. Chest Pain
- ☐ 36. Other:_____

CONSULTATION

37. Dr. _____

38. Date _____

39. Approved for continued Midwife care:
☐ Yes ☐ No

FETUS
- ☐ 40. Abn. Growth Pattern
- ☐ 41. Expos. to Teratogens
- ☐ 42. Excessive Activity
- ☐ 43. Decreased Activity
- ☐ 44. FHT < 100
- ☐ 45. FHT > 160
- ☐ 46. Irreg. FHT
- ☐ 47. Cord. Prolapse
- ☐ 48. Meconium Staining
- ☐ 49. Multiple Gestation
- ☐ 50. Other:_____

CONSULTATION

51. Dr. _____

52. Date _____

53. Approved for continued Midwife care:
☐ Yes ☐ No

INTRAPARTUM
- ☐ 54. Bleeding 1st or 2nd Stage
- ☐ 55. Elevated BP
- ☐ 56. Elevated Temp.
- ☐ 57. Pres. not Vertex
- ☐ 58. Unengaged Head
- ☐ 59. Premature ROM
- ☐ 60. Prolonged ROM
- ☐ 61. Premature Labor
- ☐ 62. Prolonged 1st Stage
- ☐ 63. Prolonged 2nd Stage
- ☐ 64. Persistent Ketonuria
- ☐ 65. Difficult Delivery/Shoulder Dystocia
- ☐ 66. Hemorrhage in 3rd Stage or within 24 hours
- ☐ 67. Retained Placenta
- ☐ 68. Retained fragments or membranes
- ☐ 69. Uterine Atony
- ☐ 70. Laceration, 1°
- ☐ 71. Laceration, 2°
- ☐ 72. Laceration, 3°
- ☐ 73. Laceration, 4°
- ☐ 74. Laceration, periurethral
- ☐ 75. Shock
- ☐ 76. Other:_____

CONSULTATION

77. Dr. _____

78. Date _____

79. Time_____

80. Approved for continued Midwife care:
☐ Yes ☐ No

INFANT
- ☐ 81. APGAR < 5 @ 1 Min.
- ☐ 82. APGAR < 7 @ 5 Min.
- ☐ 83. Respiratory Distress
- ☐ 84. O2 Given
- ☐ 85. Assisted Ventilation
- ☐ 86. Cardiac Massage
- ☐ 87. Pale/Cyanotic/Gray
- ☐ 88. Meconium Stained
- ☐ 89. Foul Odor
- ☐ 90. Abn. Head Circ.
- ☐ 91. Congenital Anomaly
- ☐ 92. Preterm
- ☐ 93. Post-Term
- ☐ 94. < 2500 gm/5 1/2 lbs.
- ☐ 95. >4500 gm/10 lbs.
- ☐ 96. SGA
- ☐ 97. LGA
- ☐ 98. Flushed/Red
- ☐ 99. Abnormal Cord
- ☐ 100. Abnormal Cry
- ☐ 101. Jitteriness not resolved by feeding
- ☐ 102. Abnormal Temp.
- ☐ 103. Abn. finding on P.E.
- ☐ 104. No urination in 24 hours
- ☐ 105. No Meconium in 24 hours
- ☐ 106. Abdominal Distention
- ☐ 107. Jaundice
- ☐ 108. Poor Feeding
- ☐ 109. Other:_____

CONSULTATION

110. Dr. _____

111. Date _____

112. Time_____

113. Approved for continued Midwife care:
☐ Yes ☐ No

POSTPARTUM
- ☐ 114. Hemorrhage after 24 hours
- ☐ 115. Subinvolution
- ☐ 116. Uterine Infection
- ☐ 117. Unable to Void in 6 hours
- ☐ 118. Urinary Tract inf.
- ☐ 119. Breast Infection
- ☐ 120. Thrombophlebitis (positive Homan's sign
- ☐ 121. Depression
- ☐ 122. Other:_____

CONSULTATION

123. Dr. _____

124. Date _____

125. Approved for continued Midwife care:
☐ Yes ☐ No

EXHIBIT E. INDIVIDUAL QUARTERLY REPORT (continued)

ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF MATERNAL AND CHILD HEALTH
MIDWIVES QUARTERLY REPORT
CONSULTATION / TRANSPORT SUMMARY
ORIGINAL COPY TO ADHS - COPY TO MIDWIFE

_____
MIDWIFE

1. /__/__/__/__/ 2. /__/ /__/__/
LIC. NO. QTR. YR.

_____ 3. /__/__/__/
PATIENT NAME PT. NO.

NARRATIVE SUMMARY: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

DETAILS ON TRANSFER/TRANSPORT AND OUTCOME:4. REFERENCE NO._____
PROBLEM_____

CALL FOR TRANSPORT:5. DATE /__/__/ /__/__/ /__/__/ 6. TIME /__/__/__/__/
MO. DAY YEAR (MILITARY TIME)

☐ 7. PARAMEDICS ☐ 8. AMBULANCE

TRANSFER: 9. TIME /__/__/__/__/

10. VEHICLE:☐ PRIVATE AUTO ☐ AMBULANCE ☐ OTHER:_____

11. DESTINATION: ☐ PHYSICIAN'S OFFICE ☐ HOSPITAL ☐ OTHER:_____

12. NAME OF HOSPITAL IF APPLICABLE:_____

ARRIVAL DISPOSITION:13. DATE /__/__/ /__/__/ /__/__/ 14. /__/__/__/__/
MO. DAY YEAR (MILITARY TIME)

15. MOTHER: ☐ EVAL/Rx AT PHYS. OFFICE ☐ ADMITTED HOSPITAL
☐ EVAL/Rx AS OUTPATIENT AT HOSPITAL AND RELEASED

16. NEWBORN: EVAL/Rx AT PHYS. OFFICEADMITTED TO HOSPITAL
☐ EVAL/Rx AS OUTPATIENT AT HOSPITAL AND RELEASED
☐ TRANSFERRED TO NICU AT_____

17. MATERNAL OUTCOME:☐ NORMAL ☐ ABNORMAL ☐ EXPIRED

18. NEWBORN OUTCOME:☐ NORMAL ☐ ABNORMAL ☐ EXPIRED

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1). Amended to correct printing errors (Supp. 99-4).

R9-16-108. Prohibited Practice; Transfer of Care

A. A licensed midwife shall not accept for care and shall not during pregnancy, labor and delivery, and postpartum knowingly continue to provide care to, and shall immediately transfer care of, any women who has or develops any of the following conditions or circumstances:
1. A previous Cesarean section or other known uterine surgery;
2. A history of severe postpartum bleeding, of unknown cause, which required transfusion;
3. Deep vein thrombophlebitis or pulmonary embolism;
4. Insulin-dependent diabetes, hypertension, heart disease, kidney disease, blood disease, Rh disease with positive titers, active tuberculosis, or active syphilis;
5. Active hepatitis or active gonorrhea until treated and recovered, following which midwife care may resume;
6. An unsafe location for delivery;
7. A blood pressure of 140/90 or an increase of 30mm Hg systolic or 15mm Hg diastolic over client's lowest baseline blood pressure for 2 consecutive readings taken at least 6 hours apart;
8. A persistent hemoglobin level blow 10g or a hematocrit below 30 during the 3rd trimester;
9. Primary genital herpes simplex infection in the 1st trimester or has active genital herpes at the onset of labor;
10. A pelvis that will not safety allow a baby to pass through during labor;
11. A severe psychiatric illness evident during assessment of client's preparation for birth, or a history of severe psychiatric illness in the 6-month period prior to pregnancy;
12. An addiction to alcohol, narcotics, or other drugs;
13. Prematurity or labor beginning before 36 weeks gestation;
14. Multiple gestation in the current pregnancy;
15. Gestational age greater than 34 weeks with no prior prenatal care;
16. A gestation beyond 42 weeks;
17. Presence of ruptured membranes without onset of labor within 24 hours;
18. Abnormal fetal heart rate of below 120 beats per minute or above 160 beats per minute;
19. Presence of thick meconium, blood-stained amniotic fluid, or abnormal fetal heart tones;
20. A postpartum hemorrhage of greater than 500cc in the current pregnancy;
21. A nonbleeding placenta retained more than 40 minutes; and
22. Expressed wishes of the client or family.

B. A midwife shall not perform any operative procedures except as provided in R9-16-110.

C. A midwife shall not use any artificial, forcible, or mechanical means to assist birth, nor shall the midwife attempt to correct fetal presentations by external or internal movement of the fetus.

D. A midwife shall not administer drugs or medications except as provided in R9-16-110 and R9-16-106(E)(2)(d), (G)(1)(g), and (G)(2)(c).

E. A midwife shall not knowingly continue and shall transfer care of any newborn in whom any of the following conditions are present:
1. Birth weight less than 2000 grams;
2. Pale, blue, or gray color after 10 minutes;
3. Excessive edema;
4. Major congenital anomalies; or
5. Respiratory distress.

Historical Note

Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-109. Required Consultation

A. The midwife shall obtain medical consultation to obtain a recommendation for treatment, referral, or transfer of care at the time any client is determined to have any of the following circumstances or conditions during the current pregnancy:
1. Testing positive for HIV;
2. History of seizure disorder;
3. History of stillbirth, premature labor, or parity greater than 5;
4. Is younger than 16 years of age or a primigravida older than 40 years of age;
5. Failure to auscultate fetal heart tones by 22 weeks gestational age;
6. Refusal of Rh blood work or treatment;
7. Failure to gain 12 pounds by 30 weeks gestation or gaining more than 8 pounds in any 2-week period during pregnancy;
8. Severe, persistent headaches, with visual disturbances, stomach pains, or swelling of the face and hands;
9. Greater than 1+ sugar, ketones, or protein in the urine on 2 consecutive visits;
10. Excessive vomiting or continued vomiting after 20 weeks gestation;
11. Symptoms of decreased fetal movement;
12. A fever of 100.4° F or 38° C twice at 24 hours apart;
13. Effacement or dilation of the cervix, greater than a fingertip, accompanied by contractions, prior to 36 weeks gestation;
14. Measurements for fetal growth are not within 2cm of the gestational age;
15. Second degree or greater lacerations of the birth canal;
16. An abnormal progression of labor;
17. An unengaged head at 7 centimeters dilation in active labor;
18. An abnormal presentation after 36 weeks;
19. Failure of the uterus to return to normal size in the current postpartum period; or
20. Persistent shortness of breath requiring more than 24 breaths per minute, or breathing which is difficult or painful.

B. A midwife shall obtain medical consultation to obtain a recommendation for treatment, referral, or transfer of care at the time any newborn demonstrates any of the following conditions:
1. Weight less than 2500 grams or 5 lbs., 8 oz.;
2. Congenital anomalies;
3. An Apgar score less than 7 at 5 minutes;
4. Persistent breathing at a rate of more than 60 breaths per minute;
5. An irregular heartbeat;
6. Persistent poor muscle tone;
7. Less than 36 weeks gestation or greater than 42 weeks gestation by gestational exam;
8. Yellowish-colored skin within 48 hours;
9. Abnormal crying;
10. Meconium staining of the skin;
11. Lethargy, irritability, or poor feeding;
12. Excessively pink coloring over entire body;
13. Failure to urinate or pass meconium in the 1st 24 hours of life;
14. A hip examination which results in a clicking or incorrect angle;
15. Skin rashes not commonly seen in the newborn; or
16. Temperature persistently above 99.0° or below 97.6° F.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-110. Emergency Measures

A. A licensed midwife shall, before the arrival of emergency medical personnel, perform the following procedures only in an emergency situation in which the health and safety of the mother or newborn are determined to be at sufficient risk:
1. Cardiopulmonary resuscitation of the mother or newborn with a bag and mask;
2. Administration of oxygen at no more than 8 liters per minute via mask for the mother and 5 liters per minute for the newborn via neonatal mask;
3. Midline episiotomy to expedite the delivery during fetal distress;
4. Suturing of episiotomy or tearing of the perineum, to stop active bleeding, following administration of local anesthetic, contingent upon physician consultation or standing orders of physician;
5. Release of shoulder dystocia by rotating the shoulders into 1 of the oblique diameters of the pelvis; and
6. Manual exploration of the uterus for control of severe bleeding.

B. A licensed midwife may administer a maximum does of 20 units of pitocin intramuscularly, in 10-unit dosages each, 30 minutes apart, to a client for the control of postpartum hemorrhage, contingent upon physician consultation or standing orders by a physician, and arrangements for immediate transport of the client to a hospital.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-111. Denial, Suspension, or Revocation of License; Civil Penalties; Procedures

A. In addition to those grounds set forth in A.R.S. §§ 36-756 and 13-904(E), the Department may deny, suspend, or revoke a license permanently or for a definite period of time and may assess a civil penalty of $50 for the 1st offense and $100 for each subsequent offense, for any of the following causes:
1. Failure to maintain the standards of practice and clinical judgment;
2. Practicing under a false name or alias which will interfere with or obstruct the investigative or regulatory process;
3. Practicing under the influence of drugs or alcohol;
4. Falsification of records;
5. Obtaining any fee for midwifery services by fraud or misrepresentation;
6. Permitting another to use the midwife's license; and
7. Failure to submit quarterly reports within 15 days after the close of the quarter.

B. All administrative proceedings shall be conducted in accordance with the Department's rules of practice and procedure, 9 A.A.C. 1, Article 1.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1).

R9-16-112. Expired

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5029, effective September 30, 2001 (Supp. 01-4).

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

R9-16-201. Definitions

The following definitions apply in this Article, unless otherwise specified:
1. "Accredited" means approved by the:
   a. New England Association of Schools and Colleges,
   b. Middle States Association of Colleges and Secondary Schools,
   c. North Central Association of Colleges and Schools,
   d. Northwest Association of Schools and Colleges,
   e. Southern Association of Colleges and Schools, or
   f. Western Association of Schools and Colleges.
2. "Applicant" means an individual who submits to the Department an initial or a renewal application packet to practice audiology or speech-language pathology in Arizona.
3. "Application packet" means the information, documents, and fees required by the Department for licensure.
4. "Audiology" has the meaning in A.R.S. § 36-1901(2).
5. "ASHA" means the American Speech-Language-Hearing Association, a national scientific and professional organization for audiologists and speech-language pathologists.
6. "CCC" means Certificate of Clinical Competence, an award issued by ASHA to an individual who:
   a. Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum;
   b. Passes the ETSNESPA; and
   c. Completes a clinical fellowship.
7. "CE" means continuing education, the ongoing process of receiving audiology or speech-language pathology-related courses.
8. "Clinical fellow" means an individual engaged in a clinical fellowship.
9. "Clinical fellowship" means an individual's postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:
   a. After completion of graduate level academic course work and a clinical practicum;
   b. Under the supervision of a clinical fellowship supervisor: and
   c. While being employed on a full-time or part-time equivalent basis.
10. "Clinical fellowship agreement" means the document submitted to the Department by a clinical fellow to register the initiation of a clinical fellowship.
11. "Clinical fellowship report" means a document completed by a clinical fellowship supervisor containing:
    a. A summary of a clinical fellow's diagnostic and therapeutic procedures,
    b. A verification of the clinical fellow's diagnostic and therapeutic procedures by the clinical fellowship supervisor, and
    c. An evaluation of the clinical fellow's ability to perform the diagnostic and therapeutic procedures.
12. "Clinical fellowship supervisor" means an audiologist or speech-language pathologist who:
    a. Is a sponsor of a temporary licensee;
    b. Had a CCC while supervising a clinical fellow before the effective date of this Article; or
    c. Has a CCC while supervising a clinical fellow in another state.

13. "Clinical practicum" means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, hearing, or communication disorders.
14. "Course" means a workshop, seminar, lecture, conference, class, or instruction.
15. "Current CCC" means documentation issued by ASHA verifying that an individual is presently certified by ASHA.
16. "Days" means calendar days.
17. "Diagnostic and therapeutic procedures" means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.
18. "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing agency or board.
19. "ETSNESPA" means Educational Testing Service National Examination in Speech-Language Pathology and Audiology, the specialty area test of the Praxix Series given by the Education Testing Service, Princeton, N.J.
20. "Full-time" means 30 clock hours or more per week.
21. "Graduate level" means leading to, or creditable towards, a master's or doctoral degree.
22. "License" means the written authorization issued by the Department to practice audiology or speech-language pathology.
23. "Local education agency" means a school district governing board established by A.R.S. §§ 15-301 through 15-396.
24. "Monitoring" means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.
25. "Onsite observations" means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.
26. "Part-time equivalent" means:
    a. 25-29 clock hours per week for 48 weeks,
    b. 20-24 clock hours per week for 60 weeks, or
    c. 15-19 clock hours per week for 72 weeks.
27. "Pupil" means a child attending a school, a charter school, a private school, or an accommodation school, which are defined in A.R.S. § 15-101.
28. "Semester credit hour" means 1 earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.
29. "Semester credit hour equivalent" means 1 quarter credit which is equal in value to 2/3 of a semester credit hour.
30. "Speech-language pathology" has the meaning in A.R.S. § 36-1901(17).
31. "State supported institution" means a school receiving funding under A.R.S. §§ 15-901 through 15-1086.
32. "Supervise" means being responsible for and providing direction to:
    a. A clinical fellow during onsite observation or monitoring of the clinical fellow's diagnostic and therapeutic procedures; or
    b. An individual completing a clinical practicum.
33. "Supervisory activities" means evaluating and assessing a clinical fellow's diagnostic and therapeutic procedures in assessing diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, hearing, or communication disorders.
34. "Week" means the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.

Historical Note

Former Section R9-16-201 repealed, new Section R9-16-201 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-202. Qualifications for Licensure

An applicant shall meet the requirements in A.R.S. § 36-1940 to qualify for an audiologist's license or A.R.S. § 36-1940.01 to qualify for a speech-language pathologist's license.

1. An applicant shall provide the Department with written documentation of either a current CCC or completion of a minimum of 60 semester credit hours or semester credit hour equivalents in audiology or speech-language pathology from an accredited college or university as evidence of completion of an equivalent to a master's degree in audiology as required in A.R.S. § 36-1940(A)(2)(a), (B)(2)(a) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(a).
    a. To qualify for an audiologist's license, the 60 semester credit hours shall include a minimum of 21 graduate level semester credit hours in the area of audiology and a minimum of 6 semester credit hours in the area of speech-language pathology.
    b. To qualify for a speech-language pathologist's license, the 60 semester credit hours shall include a minimum of 21 graduate level semester credit hours in the area of speech-language pathology and a minimum of 6 semester credit hours in the area of audiology.
    c. An applicant is allowed no more than 6 graduate level semester credit hours for a clinical practicum.
    d. Thesis or dissertation credit hours may not be used to meet the requirements of this subsection.
2. An applicant shall provide the Department with written documentation of either a current CCC or completion of a minimum of 300 clock hours in a clinical practicum at an accredited college or university as evidence of completion of a clinical practicum in audiology as required in A.R.S. § 36-1940(A)(2)(b), (B)(2)(b) or speech-language pathology as required in A.R.S. § 36-1940.01(A)(2)(b)
    a. For an individual applying for an audiologist's license, the 300 clock hours shall include at least 20 clock hours in speech-language pathology and 250 clock hours or more in audiology including at least:
        i. 40 clock hours in the evaluation of hearing in children;
        ii. 40 clock hours in the evaluation of hearing in adults;
        iii. 80 clock hours in the selection and use of amplification and assistive devices with a minimum of 10 clock hours with adults and a minimum of 10 clock hours with children; and
        iv. 20 clock hours in the treatment of hearing disorders in children and adults.
    b. For an individual applying for a speech-language pathologist's license, the 300 clock hours shall include at least 20 clock hours in audiology and 250 clock hours or more in speech-language pathology

including at least 20 clock hours in each of the following categories:
i. The evaluation of speech disorders in children;
ii. The evaluation of speech disorders in adults;
iii. The evaluation of language disorders in children;
iv. The evaluation of language disorders in adults;
v. The treatment of speech disorders in children;
vi. The treatment of speech disorders in adults;
vii. The treatment of language disorders in children;
viii. The treatment of language disorders in adults.

3. An applicant shall provide the Department with written documentation of either a current CCC or completion of 36 weeks or more of a clinical fellowship as evidence of completion of the postgraduate professional experience required by A.R.S. § 36-1940(A)(2)(c), (B)(2)(c), or A.R.S. § 36-1940.01(A)(2)(c),
   a. The clinical fellowship shall be completed within 7 years from the date the clinical practicum was completed;
   b. Once initiated, the clinical fellowship shall be completed in no more than 36 consecutive months; and
   c. A minimum of 80% of the clinical fellowship hours shall be in direct client contact.

Historical Note

Former Section R9-16-202 repealed, new Section R9-16-202 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-203. License Application

A. An applicant for a regular audiology license or a regular speech-language pathology license shall submit to the Department an application packet containing:
1. An application on a form provided by the Department and signed by the applicant that contains all of the following:
   a. The applicant's name, social security number, current home address, business address, and home and business telephone numbers;
   b. If applicable, the name of applicant's employer and the employer's current business address and telephone number;
   c. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in this state or any other state;
   d. A list of all states and countries in which the applicant is or has been licensed as an audiologist or speech-language pathologist;
   e. A statement of whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed by any state or country upon the applicant's audiology or speech-language pathology license; and
   f. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. An official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree or 60 semester credit hours or semester credit hour equivalents as provided in R9-16-202(1) or a copy of a current CCC;
3. Written documentation of the applicant's completion of a clinical practicum as required by R9-16-202(2) or a copy of a current CCC;
4. A photocopy of the clinical fellowship report signed by the clinical fellowship supervisor as required by R9-16-202(3) or a copy of a current CCC;
5. Written documentation of a passing grade on the ETSNESPA or a copy of a current CCC; and
6. An application fee of $100.

B. An applicant for a temporary license shall submit to the Department an application packet containing:
1. An application on a form provided by the Department containing the information in subsections (A)(1), (A)(2), (A)(3), (A)(5), and the fee in (A)(6); and
2. A copy of the clinical fellowship agreement that includes:
   a. The clinical fellow's name, home address, and telephone number;
   b. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiology or speech-language pathology license number;
   c. The name and address where the clinical fellowship will take place;
   d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-205; and
   e. The signatures of the clinical fellow and the clinical fellowship supervisor.

C. An applicant for an audiology license to fit and dispense hearing aids shall submit to the Department an application packet containing:
1. The information, documents, and fee required in subsection (A); and
2. Written documentation of passing a hearing aid dispenser examination as required by A.R.S. § 36-1940(B)(4).

D. An applicant for a speech-language pathology license limited to providing services to pupils under the authority of a local education agency or state-supported institution shall submit to the Department an application packet containing:
1. An application on a form provided by the Department containing the information in subsection (A)(1);
2. A copy of a temporary or standard certificate in speech-language therapy issued by the State Board of Education;
3. A copy of an employment contract or an employment contract conditioned upon the applicant's licensure, with a local education agency or state-supported institution that includes:
   a. The applicant's name and social security number,
   b. The name of the local education agency or state-supported institution,
   c. The classification title of the applicant,
   d. The work dates or projected work dates of the employment contract, and
   e. Signatures of the applicant and the individual authorized by the governing board to represent the local education agency or state-supported institution, and
4. An application fee of $100.

Historical Note

Former Section R9-16-203 repealed, new Section R9-16-203 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-204. License Application Time-frames

A. For any of the license applications in R9-16-203 or R9-16-206, the overall time-frame described in A.R.S. § 41-1072(2) is 60 days.

B. For any of the license applications in R9-16-203 or R9-16-206, the administrative completeness review time-frame is 30 days and begins on the date the Department receives an application packet.
1. If an application packet is incomplete, the Department shall send to the applicant a written notice of incompleteness that states each deficiency and the information or documents needed to complete the application packet. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives a complete application packet.
2. When the Department receives a complete application packet, the Department shall send a written notice of administrative completeness to the applicant.
3. If the applicant does not submit a complete application packet within 90 days from the date the Department sends a written notice of incompleteness to the applicant, the Department shall consider the application withdrawn.
4. If the Department sends a written notice of approval to the applicant during the time provided to assess administrative completeness, the Department shall not provide a separate written notice of administrative completeness.

C. For any of the license applications in R9-16-203 or R9-16-206, the substantive review time-frame described in A.R.S. § 41-1072(3) is 30 days and begins on the date the Department sends written notice of administrative completeness to an applicant.
1. If an applicant does not meet the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send to the applicant a written comprehensive request for additional information that states each statute and rule upon which the request is based. The substantive review time-frame and the overall time-frame are suspended from the date the written comprehensive request is sent until the date the Department receives the requested information.
   a. If an applicant does not submit the requested information within 90 days of the date the Department sends the comprehensive written request to the applicant, the Department shall consider the application withdrawn.
   b. If the information submitted by the applicant does not meet the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send a written notice of denial to the applicant including a basis for the denial and an explanation of the applicant's right to appeal.
2. If an applicant meets the requirements of A.R.S. §§ 36-1901 through 36-1940.03 and this Article, the Department shall send written notice of approval to the applicant.

D. After receiving the written notice of approval in subsection (C)(2), an applicant shall send a $100 license fee to the Department. If the applicant does not submit the license fee within 30 days after the date the Department sends the written notice of approval to the applicant, the Department shall consider the application withdrawn.

Historical Note

Former Section R9-16-204 repealed, new Section R9-16-204 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-205. Clinical Fellowship Supervisors

In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall:
1. Complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship. Of the 36 supervisory activities, the clinical fellowship supervisor shall complete:
   a. A minimum of 18 onsite observations;
   b. No more than 6 onsite observations in 24 hours; and
   c. A minimum of 18 monitoring activities;
2. Submit a copy of the clinical fellowship report to the Department within 30 days of the completion of the clinical fellowship; and
3. Provide the Department and the clinical fellow with written notice within 72 hours of the decision to stop supervising the clinical fellow if the clinical fellowship supervisor voluntarily stops supervising a clinical fellow before the completion of the clinical fellowship.

Historical Note

Former Section R9-16-205 repealed, new Section R9-16-205 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-206. License Renewal

A. Before the expiration date of a regular license, a licensee shall submit to the Department an application packet containing:
1. A license renewal fee of $100;
2. A completed record of compliance with the CE requirements in R9-16-207; and
3. A license renewal form provided by the Department that contains:
   a. The licensee's name, current home address, business address, and home and business telephone numbers;
   b. If applicable, the name of the licensee's employer and the employer's current business address and telephone number;
   c. License number and date of expiration; and
   d. A statement of whether the licensee has been convicted of a felony or a misdemeanor involving moral turpitude since the licensee's previous license application.

B. A licensee who submits the information and fee in subsection (A)(1) no later than 30 days after the license expiration date shall submit a $25 late fee in addition to the information and fee required by subsection (A). A licensee who does not submit the information and the fee in subsection (A)(1), within 30 days after the license expiration date, may obtain a license by submitting the application packet required in R9-16-203(A).

C. When renewing a temporary license, a licensee shall submit a license renewal fee of $100 and a form provided by the Department containing:
1. The applicant's name, address, and phone number;
2. The name of applicant's employer, the employer's current business address, telephone number, and Arizona audiologist or speech-language pathologist license number;
3. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiologist or speech-language pathologist license number;
4. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-205; and
5. The signature of the clinical fellowship supervisor.

Historical Note

Former Section R9-16-206 repealed, new Section R9-16-

206 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-207. Continuing Education

A. Every 12 months from the effective date of a regular license, a licensee shall complete 8 credit hours or more of CE approved by the Department. A credit hour consists of a minimum of 50 continuous minutes of instruction.

B. An individual presenting a CE course or a licensee requesting approval for a CE course shall submit the following to the Department:
1. A brief summary of the course;
2. The name, educational background, and teaching experience of the individual presenting the course;
3. The educational objectives of the course;
4. The name of the organization providing the CE course; and
5. The date, time, and place of presentation of the CE course.

C. If a licensee submits the information in subsection (B) with a renewal application packet, the Department shall comply with the time-frames in R9-16-204.

D. For Department approval of a CE course, the overall time-frame described in A.R.S. § 41-1072(2) is 45 days.

E. For Department approval of a CE course, the administrative completeness review time-frame is 30 days and begins on the date the Department receives a request for CE approval.
1. If a request for CE approval is incomplete, the Department shall send to an individual presenting a CE course or a licensee, a written notice of incompleteness that states each deficiency and the information or documents needed to complete the request. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives a complete request for CE approval.
2. When the Department receives a complete request for CE approval, the Department shall send a written notice of administrative completeness to the individual presenting a CE course or the licensee.
3. If the individual presenting a CE course or the licensee does not supply a complete request for CE approval within 60 days from the date the Department receives a request for CE approval, the Department shall consider the request for CE approval withdrawn.
4. If the Department grants approval for a CE course during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.

F. For Department approval of a CE course, the substantive review time-frame described in A.R.S. § 41-1072(3) is 15 days and begins on the date the Department sends written notice of administrative completeness to an individual presenting the CE course or a licensee.
1. If a CE course does not meet the requirements in subsection (G), the Department shall send a written notice of denial to the individual presenting the CE course or the licensee including a basis for the denial.
2. If a CE course meets the requirements of subsection (G), the Department shall send written notice of approval to the individual presenting the CE course or the licensee.

G. The Department shall approve a CE course if the Department determines that the CE course:
1. Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in audiology or speech-language pathology;
2. Is developed and presented by individuals knowledgeable and experienced in the subject area; and
3. Contributes directly to the professional competence of a licensee.

H. A licensee shall maintain a record of each CE course completed by the licensee for 36 months from the date of submitting the record to the Department as required by R9-16-206(A)(2). The record shall contain:
1. The name, address, and license number of the licensee;
2. For each CE course completed by the licensee:
   a. The name of the organization providing the CE course, and the date and place of presentation;
   b. The name of the CE course;
   c. A description of the CE course's content and educational objectives;
   d. The name and description of the educational background and teaching experience of the individual presenting each course;
   e. The number of CE credit hours earned for the CE course; and
   f. A statement, signed by the individual presenting the CE course, verifying the licensee's attendance; and
3. A statement, signed by the licensee, verifying the information contained in the record.

I. A licensee is not permitted to carry forward CE credit hours from a previous year.

Historical Note

Former Section R9-16-207 repealed, new Section R9-16-207 adopted effective January 23, 1978 (Supp. 78-1). Repealed effective March 14, 1994 (Supp. 94-1). Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-208. Disciplinary Actions

In determining the length of license suspension or revocation, or the level of disciplinary action for any violation of A.R.S. §§ 36-1901 through 36-1940.03 or this Article, the Department shall consider:
1. The type of violation,
2. The severity of the violation,
3. The danger to the public health and safety,
4. The number of violations,
5. The degree of harm to the consumer,
6. A pattern of noncompliance, and
7. Any mitigating or aggravating circumstances.

Historical Note

Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-209. Equipment; Records; Inspections

A. A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer's specifications.

B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:
1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard - Specifications for Audiometers, S3.6-1996, Standards Secretariat, c/o Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, January 12, 1996, incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future additions or amendments; and

2. A written record of the calibration is maintained in the same location as the calibrated equipment for 36 months from the date of the calibration.

C. A licensee shall maintain the following records for 36 months from the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:
1. The name, address, and telephone number of the individual to whom services are provided;
2. The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and
3. If a product such as a hearing aid, augmentative communication device, or laryngeal device is dispensed, a record of the following:
   a. The name of the product dispensed;
   b. The product's serial number, if any;
   c. The product's warranty or guarantee, if any;
   d. The refund policy for the product, if any;
   e. A statement of whether the product is new or used;
   f. The total amount charged for the product;
   g. The name of the licensee; and
   h. The name of the intended user of the product.

D. A licensee shall permit the Department to inspect the equipment in subsection (A) and the records listed in subsections (B) and (C).

Historical Note
Adopted by final rulemaking at 5 A.A.R. 4359, effective October 28, 1999 (Supp. 99-4).

R9-16-210. Duplicate License Fee
An individual licensed under 9 A.A.C. 16, Article 2, may obtain a duplicate license by submitting to the Department a request for a duplicate license containing the individual's name and address, the number and expiration date of the license to be duplicated, the individual's signature, and a $25 duplicate license fee.

Historical Note
New Section made by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-211. Repealed

Historical Note
Adopted as an emergency effective July 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-4). Emergency expired. Permanent rule R9-16-211 adopted effective January 14, 1983 (Supp. 83-1). Repealed effective March 14, 1994 (Supp. 94-1).

R9-16-212. Repealed

Historical Note
Adopted as an emergency effective July 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-4). Emergency expired. Permanent rule R9-16-212 adopted effective January 14, 1983 (Supp. 83-1). Repealed effective March 14, 1994 (Supp. 94-1).

R9-16-213. Repealed

Historical Note
Adopted as an emergency effective July 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-4). Emergency expired. Permanent rule R9-16-213 adopted effective January 14, 1983 (Supp. 83-1). Repealed effective March 14, 1994 (Supp. 94-1).

R9-16-214. Repealed

Historical Note
Adopted as an emergency effective July 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-4). Emergency expired. Permanent rule R9-16-214 adopted effective January 14, 1983 (Supp. 83-1). Repealed effective March 14, 1994 (Supp. 94-1).

ARTICLE 3. LICENSING HEARING AID DISPENSERS

R9-16-301. Definitions
In this Article, unless the context otherwise requires, "CE" means continuing education or the on-going process of receiving in-service education and training that directly relates to the practice of fitting and dispensing hearing aids as defined in A.R.S. § 36-1901(6).

Historical Note
Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2).

R9-16-302. Appointed Committees

A. Advisory committee
1. The advisory committee members appointed by the Director pursuant to A.R.S. § 36-1902(A)(1) and (C) shall assist the Director by making recommendations to the Department regarding the following:
   a. Hearing aid dispenser licensing program,
   b. Resolution of any consumer complaint referred to the committee by the Department involving alleged unethical conduct or incompetence by a dispenser,
   c. Hearing aid dispenser licensing examination,
   d. Membership on the examining committee, and
   e. Membership on the advisory committee.
2. Committee members shall serve a 3-year term except for the Department's hearing aid dispenser program manager who shall serve as a permanent member of the committee.

B. Examining committee The examining committee members appointed by the Director pursuant to A.R.S. § 36-1902(B)(4) and (D) shall assist the Director as follows:
1. Examine applicants for licensure,
2. Score delegated sections of the examination,
3. Provide testimony at administrative hearings related to the examination for licensure, and
4. Evaluate examination materials and procedures and make recommendations for change to the Department.

Historical Note
Amended effective March 22, 1976 (Supp. 76-2). Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2).

R9-16-303. Licensing Process

A. For a hearing aid dispenser license by examination:
1. At least 75 days before the date the Department gives a hearing aid dispenser examination, an applicant shall submit to the Department a nonrefundable $250 application fee and an application on a form provided by the Department that contains:
   a. The applicant's name, social security number, home address, and home telephone number;
   b. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
   c. Whether the applicant has been convicted in any state of a felony or of a misdemeanor involving moral turpitude and a list that includes each conviction;

d. Whether the applicant currently has or had, within the five years before the application date, a condition that impairs the applicant's ability to dispense hearing aids safely;
e. A statement that the applicant completed at least a four-year course in an accredited high school or passed the general education development tests and:
i. A list of each high school and post-secondary school attended; and
ii. A copy of the applicant's high school diploma, general education development diploma, or post-secondary degree;
f. A list of each state that has issued the applicant a hearing aid dispenser license;
g. Whether:
i. Any state has, within the two years before the application date, suspended or revoked a hearing aid dispenser license issued to the applicant; and
ii. The applicant currently is not eligible to apply for a hearing aid dispenser license in any state due to a suspension or revocation; and
h. A statement signed by the applicant verifying the truthfulness of the information provided on the application form.

2. The Department shall give one hearing aid dispenser examination in August and may give additional examinations according to A.R.S. § 36-1923(C).
3. According to R9-16-315 and Table 1, the Department shall notify an applicant:
a. By certified mail to the applicant's address on the application, that the applicant does not meet the requirements of A.R.S. § 36-1923(A) and subsection (A)(1) and the Department denies a regular hearing aid dispenser license to the applicant; or.
b. By regular mail to the applicant's address on the application, that the applicant meets the requirements of A.R.S. § 36-1923(A) and subsection (A)(1), and the date, time, and place of the examination.
4. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results do not meet the requirements in R9-16-305:
a. By certified mail to the applicant's address on the application, unless the applicant provided a different address at the examination;
b. Of the applicant's examination results; and
c. That the Department denies a regular hearing aid dispenser license to the applicant.
5. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results meet the requirements in R9-16-305:
a. By regular mail to the applicant's address on the application, unless the applicant provided a different address at the examination;
b. Of the applicant's examination results; and
c. That the Department approves a regular hearing aid dispenser license for the applicant.
6. The Department shall issue a regular hearing aid dispenser license to an applicant who is notified under subsection (A)(5) and who submits to the Department a nonrefundable $100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (A)(5), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.
7. If an applicant who was notified under subsection (A)(3)(b) does not take the examination on the date provided in the notification, the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.
8. Except for an applicant who fails the hearing aid dispenser examination three times, an applicant who fails an examination may reapply to take the next examination by submitting to the Department the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.
9. An applicant who fails the hearing aid dispenser examination three times may reapply by submitting the application fee and information required under subsection (A)(1) no earlier than one year after the date of the third examination failed by the applicant.
10. An applicant who is denied a regular hearing aid dispenser license by examination may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

B. For a hearing aid dispenser license by reciprocity:
1. An applicant shall submit to the Department an application packet that contains:
a. A nonrefundable $100 application fee and a $100 license fee;
b. An application on a form provided by the Department with the information required in subsections (A)(1)(a) through (A)(1)(h) and:
i. The name of each state that issued the applicant a current hearing aid dispenser license,
ii. The license number of each current hearing aid dispenser license, and
iii. The date each current hearing aid dispenser license was issued; and
c. For each state named in subsection (B)(1)(b)(i):
i. A statement, on the letterhead of the government agency that issued the hearing aid dispenser license and signed by an officer of the government agency, that the applicant holds a current hearing aid dispenser license in good standing;
ii. A copy of the state statutes and administrative rules for hearing aid dispensers;
iii. A copy of the written and practical portions of a hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;
iv. The government agency's statement of the applicant's score on each section of a hearing aid dispenser examination taken by the applicant, of the minimum passing score for each section, and of the minimum passing score for the examination; and
v. A copy of the applicant's current license.
2. Based on the information submitted under subsections (B)(1)(b) and (B)(1)(c), the Department shall determine whether:

a. The content of a hearing aid dispenser examination taken by the applicant is substantially the same as the content of the Department's examination as described in R9-16-306;
b. The applicant's scores on the written and practical portions of a hearing aid dispenser examination taken by the applicant meet the requirements in R9-16-305 for passing the Department's hearing aid dispenser examination; and
c. The applicant meets the requirements in A.R.S. §§ 36-1922 and 36-1923(A) and subsections (B)(1), (B)(2)(a), and (B)(2)(b) for a regular hearing aid dispenser license by reciprocity.

3. If an applicant meets the requirements in the statutes and rules listed in subsection (B)(2)(c), the Department shall:
a. According to R9-16-315 and Table 1, notify the applicant:
i. By regular mail to the applicant's address on the application, and
ii. That the Department approves a regular hearing aid dispenser license by reciprocity for the applicant; and
b. Issue a regular hearing aid dispenser license by reciprocity to the applicant.

4. If an applicant does not meet a requirement in the statutes and rules listed in subsection (B)(2)(c), the Department shall:
a. According to R9-16-315 and Table 1, notify the applicant:
i. By certified mail to the applicant's address on the application, and
ii. That the Department denies a regular hearing aid dispenser license by reciprocity to the applicant; and
b. Return the license fee to the applicant.

5. An applicant who is denied a regular hearing aid dispenser license by reciprocity may:
a. Appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10; and
b. Apply for:
i. A regular hearing aid dispenser license by examination by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination, or
ii. A temporary hearing aid dispenser license by submitting the application fee and information required in subsection (D)(1).

C. For an organization hearing aid dispenser license:

1. A corporation, partnership, trust, unincorporated association, or other organization with an Arizona business address shall submit to the Department a nonrefundable $100 application fee, a $100 license fee, and an application on a form provided by the Department that contains:
a. The name of the organization;
b. The organization's Arizona business name, address, and telephone number;
c. The name, address, and telephone number of the individual authorized by the organization to receive service of process in Arizona for the organization;
d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the organization in Arizona;
e. Whether the organization or a hearing aid dispenser working for the organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;
f. Whether the organization or a hearing aid dispenser working for the organization currently is not eligible for licensing in any state due to a suspension or revocation; and
g. A statement verifying the truthfulness of the information provided on the application form and signed by:
i. If the organization is a corporation, two officers;
ii. If the organization is a partnership, two partners;
iii. If the organization is a trust, the trustee, or two trustees if the trust has multiple trustees;
iv. If the organization is an unincorporated association, two officers;
v. If the organization is a limited liability company, the designated manager, or two members if a manager is not designated;
vi. If the organization is a political subdivision or government agency, the political subdivision head or agency head; or
vii. If the organization is a sole proprietorship, the owner.

2. If an organization meets the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:
a. According to R9-16-315 and Table 1, notify the organization:
i. By regular mail to the organization's Arizona business address on the application, and
ii. That the Department approves a regular hearing aid dispenser license for the organization; and
b. Issue a regular hearing aid dispenser license to the organization.

3. If an organization does not meet the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:
a. According to R9-16-315 and Table 1, notify the organization:
i. By certified mail to the organization's Arizona business address on the application, and
ii. That the Department denies a regular hearing aid dispenser license to the organization; and
b. Return the license fee to the organization.

4. An organization notified under subsection (C)(3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

D. For a temporary hearing aid dispenser license:

1. An applicant shall submit to the Department a nonrefundable $100 application fee and an application on forms provided by the Department that contain:
a. The information required in subsections (A)(1)(a) through (A)(1)(h);
b. The sponsor's name, business address, business telephone number, and Arizona hearing aid dispenser license number; and
c. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice.

2. According to R9-16-315 and Table 1, the Department shall notify:
   a. An applicant who does not meet the requirements in A.R.S. § 36-1926 and subsection (D)(1):
      i. By certified mail to the applicant's address on the application, and
      ii. That the Department denies a temporary hearing aid dispenser license to the applicant; or
   b. An applicant who meets the requirements in A.R.S. § 36-1926 and subsection (D)(1):
      i. By regular mail to the applicant's address on the application, and
      ii. That the Department approves a temporary hearing aid dispenser license for the applicant.
3. The Department shall issue a temporary hearing aid dispenser license to an applicant who is notified under subsection (D)(2)(b) and who submits to the Department a nonrefundable $100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (D)(2)(b), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (D)(1).
4. An applicant notified under subsection (D)(2)(a) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

The Department of Health Services advises that this rule is preempted by Section 521(a) of the federal Food, Drug and Cosmetic Act (21 U.S.C. 360K). See 21 CFR 808.53, effective November 10, 1980 (Supp. 80-6). Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-304. Sponsors

A sponsor of a temporary dispenser shall be responsible for the following:

1. Providing a minimum of 64 hours per month of onsite training and supervision. The supervision shall include coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary dispenser. The training shall directly relate to the type of training and education needed to pass the licensing examination as described in A.R.S. S 36-1924.
2. Maintaining a record, signed by the temporary dispenser, that details the date, time and content of the training and supervision provided to the temporary dispenser by the sponsor during the sponsorship period. The record shall be maintained and available for inspection by the Department for 1 year following the end of the sponsorship agreement.
3. When terminating a sponsorship agreement, complying with the following:
   a. Provide a written statement to the temporary dispenser indicating the sponsorship agreement is terminated and that the temporary dispenser shall return the temporary license to the Department, and
   b. Provide a copy of the written statement of termination and documentation that the temporary dispenser received the termination notice to the Department.
4. Complying with the other requirements in A.R.S. § 36-1926.01.

Historical Note

Amended effective March 22, 1976 (Supp. 76-2). The Department of Health Services advises that this rule is preempted by Section 521(a) of the federal Food, Drug and Cosmetic Act (21 U.S.C. 360K). See 21 CFR 808.53, effective November 10, 1980 (Supp. 80-6). Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2).

R9-16-305. Examination for Licensure

A. An applicant, upon appearing at the examination site, shall present a current driver's license or other government-issued photo identification before the applicant shall be allowed to take the examination.

B. An applicant who fails to arrive for, or is not allowed to take, the examination pursuant to subsection (A) may reapply for the next scheduled examination by submitting all fees and information required in R9-16-303(A).

C. An applicant admitted late for the examination shall be limited to the time remaining to complete the examination.

D. An applicant found cheating shall fail the examination and shall be ineligible to take the examination or renew a hearing aid license for 2 years.

E. Each applicant shall bring another person who is not taking the examination to the examination to serve as a test subject along with impression material, cotton or foam dam, syringe, otoscope, and packing box to take an impression of the test subject's ear canal for the purpose of fitting a hearing aid. The applicant may bring additional equipment and materials to accomplish this task.

F. Each applicant shall bring to the examination an otoscope, a listening tube, and a screwdriver to evaluate different types and models of hearing aids and to identify the major problem that renders the hearing aid inoperable. The applicant may bring additional equipment to accomplish this task.

G. The successful applicant shall pass a practical and written examination with a combined average score of 75% or above for the 2 parts of the examination; however, no more than 1 section of either the practical or the written examination shall have a score under 75%. A rounding procedure shall not be used in determining any score.

Historical Note

Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2).

R9-16-306. Structure of the Examination

A. The written and practical part of the examination shall be administered on the same day. The practical part shall include the following subjects:
   1. Identification of medical aspects or conditions relating to abnormal middle ear problems,
   2. Oral exam on pure tone audiometry,
   3. Oral exam on speech audiometry,
   4. Obtaining air and bone conduction thresholds using simulators,
   5. Hearing aid maintenance and service,
   6. Selecting a particular hearing aid based on an audiogram review,
   7. Determining the effects of different earmold modifications, and
   8. Taking an earmold impression.

B. The written part of the examination shall contain the following:
   1. Examination booklet provided by the International Hearing Society;
   2. Questions on the Arizona Revised Statutes, and Arizona and federal rules; and

3. Questions on the evaluation and rehabilitation services for the hearing impaired in Arizona.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-307. License Renewal

A. This subsection applies to renewal of a hearing aid dispenser license initially issued under R9-16-303(A) or R9-16-303(B).
1. A hearing aid dispenser shall submit to the Department, before the license expiration date:
   a. A nonrefundable $100 license renewal fee,
   b. Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D), and
   c. A license renewal application on a form provided by the Department that contains:
      i. The hearing aid dispenser's name, home address, and home telephone number;
      ii. If applicable, the name of the hearing aid dispenser's employer and the employer's business address and business telephone number;
      iii. The hearing aid dispenser's license number and expiration date;
      iv. Whether the hearing aid dispenser has been convicted of a felony or of a misdemeanor involving moral turpitude since the hearing aid dispenser's previous license application;
      v. Whether the hearing aid dispenser has had, within two years before the renewal application date, a hearing aid dispenser license suspended or revoked by any state;
      vi. Whether the hearing aid dispenser currently is under investigation by any state or government agency, has a disciplinary action pending in any state, or has an agreement with any state or government agency that resolves a violation by the hearing aid dispenser; and
      vii. A statement signed by the hearing aid dispenser verifying the truthfulness of the information on the application form.
2. According to A.R.S. § 36-1904(B), the Department shall allow a hearing aid dispenser to renew the license within 30 days after the expiration date of the license by submitting to the Department the information and renewal fee required in subsection (A)(1) and a $25 late fee.
3. If a hearing aid dispenser does not meet the requirements in A.R.S. § 36-1904 and subsections (A)(1) and (A)(2), the Department shall notify the hearing aid dispenser:
   a. According to R9-16-315 and Table 1,
   b. By certified mail to the hearing aid dispenser's address on the renewal application, and
   c. That the Department denies a renewal license to the hearing aid dispenser.
4. If a hearing aid dispenser meets the requirements in A.R.S. § 36-1904 and subsections (A)(1) and (A)(2), the Department shall
   a. Notify the hearing aid dispenser:
      i. According to R9-16-315 and Table 1,
      ii. By regular mail to the hearing aid dispenser's address on the renewal application, and
      iii. That the Department approves a renewal license for the hearing aid dispenser; and
   b. Issue a renewal license, valid for one year after the expiration date of the previous license, to the hearing aid dispenser.
5. An individual notified under subsection (A)(3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.
6. If a hearing aid dispenser does not submit to the Department, within 30 days after the expiration date of the previous license, the renewal fee and information required in subsection (A)(1) and the late fee required in subsection (A)(2), the license is nonrenewable. The individual may apply for a new license under subsection (A)(7) or subsection (A)(8).
7. An individual whose hearing aid dispenser license is nonrenewable under subsection (A)(6) may apply for a new license by submitting to the Department, within one year after the expiration date of the nonrenewable license:
   a. A nonrefundable $100 application fee,
   b. A $100 license fee,
   c. The information required in R9-16-303(A)(1)(a) through R9-16-303(A)(1)(h), and
   d. Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D).
8. An individual who applies for a new license more than one year after the expiration date of a license that is nonrenewable under subsection (A)(6) shall follow the licensing process in R9-16-303(A).

B. This subsection applies to renewal of a hearing aid dispenser license initially issued under R9-16-303(C).
1. An organization renewing a hearing aid dispenser license shall submit to the Department the information required in R9-16-303(C)(1)(a) through R9-16-303(C)(1)(g) and a nonrefundable $100 renewal fee. According to A.R.S. § 36-1904(B), the Department shall assess a $25 late fee for a renewal application submitted within 30 days after the expiration of the previous license.
2. If an organization meets the requirements in A.R.S. § 36-1910 and subsection (B)(1), the Department shall:
   a. Notify the organization:
      i. According to R9-16-315 and Table 1,
      ii. By regular mail to the organization's address on the application, and
      iii. That the Department approves a renewal license for the organization; and
   b. Issue a renewal license to the organization.
3. If an organization does not meet the requirements in A.R.S. § 1910 and subsection (B)(1), the Department shall notify the organization:
   a. According to R9-16-315 and Table 1,
   b. By certified mail to the organization's address on the application, and
   c. That the Department denies a renewal license to the organization.
4. An organization notified under subsection (B)(3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.
5. If an organization does not submit to the Department, within 30 days after the expiration of the previous license, the renewal fee and information required in subsection (B)(1) and the $25 late fee, the license is nonrenewable. The organization may apply for a new organization hearing aid dispenser license according to subsection R9-16-303(C)(1).

C. This subsection applies to renewal of an initial temporary hearing aid dispenser license issued under R9-16-303(D).

1. An individual whose temporary hearing aid dispenser license expires according to A.R.S. §§ 36-1926(B) or 36-1926(G) may renew the license according to subsection (C)(2) without taking the next hearing aid dispenser examination.
2. According to A.R.S. §§ 36-1926(E) and 36-1926(F), the Department shall allow one renewal of a temporary hearing aid dispenser license by submitting to the Department, by the expiration date of the initial temporary hearing aid dispenser license, a nonrefundable $100 renewal fee and the following:
   a. The individual's name, home address, and home telephone number;
   b. The name of the individual's employer and the employer's business address and business telephone number; and
   c. The information required in R9-16-303(D)(1)(a) through R9-16-303(D)(1)(c).
3. If an individual meets the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall:
   a. Notify the individual:
      i. According to R9-16-315 and Table 1,
      ii. By regular mail to the individual's address on the renewal application, and
      iii. That the Department approves a renewal license for the individual; and
   b. Issue a renewal license to the individual.
4. If an individual does not meet the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall and notify the individual:
   a. According to R9-16-315 and Table 1,
   b. By certified mail to the individual's address on the renewal application, and
   c. That the Department denies a renewal license to the individual.
5. An individual notified under subsection (C)(4) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.
6. If an individual does not submit the renewal fee and information required in subsection (C)(2) by the expiration date of the initial temporary hearing aid dispenser license, the license is nonrenewable. The individual may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in R9-16-303(D)(1).
7. An individual whose initial temporary hearing aid dispenser license terminates according to A.R.S. § 36-1926(D) may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-303(D)(1).

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2). Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

R9-16-308. Continuing Education Licensure Requirements

A. Each dispenser shall complete 8 hours of continuing education approved under R9-16-309 within 12 months of the effective date of the regular license.

B. A CE hour shall contain 60 minutes of actual course work instruction.

C. If the CE course work complies with the preapproved provisions of R9-16-309 (B) or (C), the dispenser shall complete a CE form provided by the Department that contains the information required in subsections (D)(1), (2), (3), (7), (8) and (9).

D. A dispenser submitting confirmation of CE hours earned which do not comply with the preapproved provisions of R9-16-309(B) or (C) shall complete the CE form that contains the following information:
1. Name, business address, and license number of the dispenser;
2. Name of the organization providing the course work, date, and location;
3. Specific courses attended;
4. Detailed description of each course's content;
5. Description of each course's educational objectives;
6. Description of each instructor's education, training and experience background;
7. Number of CE hours earned for each course;
8. Statement indicating if the course work was preapproved in accordance with R9-16-309; and
9. Signed statement under penalty of perjury that the dispenser attended the CE course and that all information on the CE form is complete and accurate.

E. The Director shall approve course work that meets the course requirements outlined in R9-16-309(A). The Director shall notify the dispenser stating whether or not the CE hours have been approved.

F. The Director shall not give a dispenser credit for CE course work which is substantially the same in content to courses utilized to meet the CE requirements within the preceding year.

G. A dispenser who does not complete 8 hours of approved CE may be issued a renewal license if the dispenser applies for and obtains a waiver issued by the Director in accordance with R9-16-310.

H. The dispenser shall maintain, for a period of three years, CE receipts, canceled checks, certificates, attendance sheets, or other documentation which establishes completion of the CE requirement. The Department may randomly audit the dispenser's compliance with the CE requirements.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-309. Continuing Education Course Requirements

A. For course work to be eligible for preapproval for CE hours, the course content shall directly relate to the practice of fitting and dispensing hearing aids and the educational objectives shall exceed an introductory level of knowledge as it relates to fitting and dispensing hearing aids. The course work shall include advances, within the last 5 years, in the field as follows:
1. Procedures in the selection and fitting of hearing aids,
2. Pre- and post-fitting management of clients,
3. Instrument circuitry and acoustic performance data,
4. Earmold design and modification contributing to improved client performance,
5. Audiometric equipment or testing techniques which demonstrate an improved ability to identify and evaluate hearing loss,
6. Auditory rehabilitation,
7. Ethics,
8. Federal and state statutes or rules, or
9. Assistive listening devices

B. Course work that meets the requirements of subsection (A) and is endorsed or sponsored by the following organizations shall be deemed preapproved for CE hours:
1. Arizona Hearing Aid Society,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. National Institute of Hearing Instrument Studies,

6. National Society of Hearing Professionals,
7. American Academy of Audiology,
8. Academy of Dispensing Audiologists,
9. Arizona Society of Otolaryngology-Head and Neck Surgery, or
10. American Academy of Otolaryngology-Head and Neck Surgery.

C. The Director shall preapprove other CE course work that complies with subsection (A) upon the following:
1. The organization providing the course work shall submit the following information 45 days before the course is offered:
   a. Name, date, and location of the CE course work;
   b. Detailed description of the course content;
   c. Description of the educational objectives;
   d. Description of each instructor's education, training, and experience background; and
   e. CE hours offered for completing the course.
2. The provider shall report any change in the course content or instructor to the Department before the course begins.

D. The Director shall withdraw the approval of any CE provider for failure to comply with the provisions of this Section.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-310. Expired

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5029, effective September 30, 2001 (Supp. 01-4).

R9-16-311. Dispenser Operating Guidelines

A. A dispenser shall conduct audiometric tests, before selecting a hearing aid for a prospective user, that provide detailed information about the client's hearing loss as follows:
1. Type, degree, and configuration of hearing loss;
2. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
3. Client's most comfortable and uncomfortable loudness levels in decibels.

B. Audiometric testing may be excluded prior to selling a client a hearing aid if the client presents to the dispenser the information outlined in subsection (A) which was obtained within the last 12 months for an adult or within the last 6 months for a person under the age of 18.

C. Audiometric tests listed in subsection (A) that cannot be performed due to the young age or mental or physical disability of the client may be excluded; however, documentation shall be maintained by the dispenser for 3 years that supports the exclusion of the specific audiometric tests.

D. Prior to any hearing aid sale, the dispenser shall evaluate the performance characteristics of the hearing aid for the purpose of assessing the degree of benefit to the client.

E. Prior to any hearing aid sale, the dispenser shall follow the requirements contained in 21 CFR 801.420 and 801.421, April 1, 1989, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State.

F. In addition to complying with the requirements in A.R.S. § 36-1932, the bill of sale, signed by the client, shall include the following:
1. Detailed description of warranty information,
2. Year hearing aid was manufactured, and
3. Full disclosure of the conditions of any offer of a trial period with a money back guarantee or partial refund. A trial period shall not include any time that the hearing aid is in the possession of the dispenser or the manufacturer.

G. A dispenser shall notify the Director in writing of any change in business address within 30 days of the change.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-312. Inspection Requirements

A. A dispenser's place of business shall have available for inspection by the Department the following:
1. Audiometer that performs the audiometric tests as outlined in R9-16-311(A);
2. Documentation which provides evidence of annual calibration of the audiometer in accordance with the American National Institute Standards, S3.6-1989, Standards Secretariat, c/o Acoustical Society of America, 335 East 45th Street, New York, New York 10017-3483, May 23, 1989, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State;
3. Customer record for each client which shall include the following:
   a. Written statement from a licensed physician that the customer has medical clearance to use hearing aids or a medical waiver signed by the customer 18 years of age or older,
   b. Copy of the bill of sale,
   c. Audiometric test results by date performed and signed by the person performing the tests, and
   d. Contracts, agreements, warranties, trial periods, or other documents involving the client.

B. The records referenced in subsection (A) shall be retained for 36 months from date of sale.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-313. Complaint Procedure

A. All complaints filed against a dispenser relating to the practice of fitting and dispensing hearing aids shall be submitted in writing to the Department. The complainant shall submit a statement of the facts and provide copies of all documentation which may support the alleged violation of state statutes or rules.

B. The Department shall send a certified letter to the dispenser describing each complaint. The dispenser shall provide to the Department, within 15 days of receipt of the certified letter, a written response addressing each allegation.

C. The Department shall review each complaint and the corresponding response by the dispenser. A certified letter shall be sent to both the complainant and the dispenser notifying them of any action to be taken by the Department.

D. A dispenser may appeal an action taken by the Department in accordance with 9 A.A.C. 1, Article 1, Rules of Practice and Procedures.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-314. Enforcement Actions

A. In accordance with A.R.S. § 36-1934, the following factors shall be considered in determining the length of suspension or revocation, or conditions thereof, or the level of disciplinary action for any violation of A.R.S., Title 36, Chapter 17 or this Article:
1. Severity of the offense;
2. Danger to the public;
3. Number of specified offenses;

4. Degree of damage, physical or otherwise, to the consumer;
5. Number and nature of prior offenses;
6. Degree of cooperation displayed in resolving past or recent complaints and violations;
7. Degree of negligence pertaining to any violation; and
8. Other mitigating or aggravating circumstances.

B. Upon consideration of the factors outlined in subsection (A), the Director may revoke or suspend a license permanently or for a fixed period and may impose the following:
1. Suspend all or certain areas of the dispenser's practice where the dispenser has shown unethical conduct or incompetence in the conduct of the practice;
2. Restrict the practice of a dispenser to only those activities that are directly supervised by a licensed dispenser; and
3. Prescribe a period of probation in which the dispenser shall obtain a specified number of CE hours in areas where the dispenser has shown negligence, unethical behavior, or incompetence in the conduct of the practice.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2).

R9-16-315. Time-frames

A. For purposes of this Section, "application packet" means the information, documents, and fees required by the Department for:
1. Approval to take an examination,
2. An initial regular license or renewal of a regular license,
3. An initial temporary license or renewal of a temporary license, or
4. Approval of a continuing education course that is requested separately from an application for renewal of a license.

B. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.

C. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1.
1. The administrative completeness review time-frame begins:
   a. For approval to take an examination, on the date the Department receives an application packet;
   b. For approval of a regular license by examination, when the applicant takes the examination; and
   c. For approval of a regular license by reciprocity, a regular license for a business, an initial temporary license, a renewal of a regular license, a renewal of a temporary license, or approval of a continuing education course that is requested separately from an application for renewal of a license, on the date the Department receives an application packet.
2. When an application packet is complete, or when an applicant for approval of a regular license by examination submits an examination for scoring, the Department shall provide a written notice of administrative completeness to the applicant.
3. If the Department grants an approval during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
4. If an application packet is incomplete, the Department shall provide to the applicant a written notice of deficiencies specifying the missing documents or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives a complete application packet from the applicant.
5. If the applicant fails to submit to the Department all of the items and information listed in the notice of deficiencies within 90 days from the date of the notice of deficiencies, the Department shall consider the application withdrawn.

D. The substantive review time-frame described in A.R.S. § 41-1072 is specified in Table 1 and begins on the date of the notice of administrative completeness.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional documents or information, or a supplemental request for additional documents or information by mutual written agreement with the applicant.
2. If the Department provides to the applicant a comprehensive written request or a supplemental request for additional documents or information, the substantive review time-frame and the overall time-frame are suspended from the date of the request until the date the Department receives all of the documents or information requested.
3. If the applicant fails to submit to the Department the documents or information requested by the Department in a comprehensive written request or supplemental request for additional documents or information within 90 days from the date of the request, the Department shall consider the application withdrawn.

Table 1. Time-frames (in calendar days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Approval to take an examination (R9-16-303(A)(1) and (A)(2))	A.R.S. §§ 36-1904, 36-1923	60	30	30
Regular License by Examination (R9-16-303(A)(3), (A)(4), and (A)(5)	A.R.S. §§ 36-1904, 36-1923	60	30	30
Regular License by Reciprocity (R9-16-303(B))	A.R.S. §§ 36-1904, 36-1922	60	30	30
Regular License for a Business (R9-16-303(C))	A.R.S. §§ 36-1904, 36-1910	60	30	30
Initial Temporary License (R9-16-303(D))	A.R.S. § 36-1926	60	30	30
Renewal of a Temporary License (R9-16-303(D))	A.R.S. § 36-1926	60	30	30
Renewal of a Regular License (R9-16-303(C) and R9-16-307)	A.R.S. §§ 36-1904, 36-1904, 36-1910	60	30	30
Approval of a continuing education course that is requested separately from an application for renewal of a license (R9-16-308 and R9-16-309)	A.R.S. § 36-1904(C)	60	30	30

Historical Note

New Section made by final rulemaking at 8 A.A.R. 2688, effective June 7, 2002 (Supp. 02-2).

R9-16-316. Duplicate License Fee

A. An individual licensed under 9 A.A.C. 16, Article 3, may obtain a duplicate license by submitting to the Department a request for a duplicate license containing the individual's name and address, the number and expiration date of the license to be duplicated, the individual's signature, and a nonrefundable $25 duplicate license fee.

B. An organization licensed under 9 A.A.C. 16, Article 3, may obtain a duplicate license by submitting to the Department a request for a duplicate license containing the organization's name and address, the number and expiration date of the license to be duplicated, the titles and signatures of the individuals specified in R9-16-303(C)(1)(g) for the type of organization requesting the duplicate license, and a nonrefundable $25 duplicate license fee.

Historical Note

Amended by final rulemaking at 10 A.A.R. 2063, effective July 3, 2004 (Supp. 04-2).

ARTICLE 4. REGISTRATION OF SANITARIANS

R9-16-401. Definitions

In this Article, unless otherwise specified:

1. "Applicant" means an individual requesting from the Council:
   a. Approval to take the sanitarian examination;
   b. Registration as a sanitarian; or
   c. Renewal of registration as a sanitarian.
2. "Application packet" means a Council-approved application form and the documentation necessary to establish an individual's qualifications for registration as a sanitarian.
3. "Billet" means an individual's military job position and job description.
4. "Council" means the Sanitarians' Council established under A.R.S. § 36-136.01(A).
5. "Course" means a program of instruction for which credit toward graduation or certification is given.
6. "Day" means calendar day.
7. "Environmental health" means the well-being of a human as affected or influenced by external conditions such as: bacteria and viruses; transmitted diseases; hygiene; housing; and contamination of food, air, water, or soil.
8. "Full-time military duty" means active duty in any branch of the United States military service.
9. "Natural science" means anatomy, bacteriology, biochemistry, biology, botany, biophysics, biostatistics, cell physiology, chemical engineering, chemistry, ecology, embryology, endocrinology, entomology, environmental health, epidemiology, food bacteriology, dairy sciences, genetics, geophysics, geology, herpetology, histology, hydro geology, hydrology, ichthyology, limnology, microbiology, molecular biology, ornithology, parasitology, pathology, pharmacy, physics, physiology, plant taxonomy, radiological health, sanitary engineering, sewage sanitation, soil science, toxicology, vector control, veterinary science, virology, or zoology or the study of air pollution, community health, environmental diseases, hazardous waste, industrial hygiene, infectious diseases, occupational safety, or public health.
10. "Person" has the same meaning as in A.R.S. § 1-215.
11. "Practice of a registered sanitarian" means acting under the authority of R9-16-406(A).
12. "Registration" means the approval issued by the Council to an applicant who meets the requirements in A.R.S. § 36-136.01 and this Article.

13. "Regulatory authority" has the same meaning as in R9-8-107(B)(11).
14. "Supervise" means to oversee and provide guidance for the accomplishment of a function or activity.

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective September 30, 2001 (Supp. 01-4). New Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-402. Sanitarian Examination and Registration

A. The Council shall provide the sanitarian examination at least four times per calendar year.

B. An applicant meeting any one of the requirements in A.R.S. § 36-136.01(F) may sit for the sanitarian examination.

C. At least seven days before a Council meeting, an applicant shall:

1. Submit an application form to the Council that contains:
   a. The applicant's full name and all former names;
   b. The applicant's current address and telephone number;
   c. The applicant's social security number;
   d. If applying under A.R.S. § 36-136.01(F)(1) on the basis of the applicant's employment by a public health agency or private industry in a position directly related to environmental health:
      i. The name of each of the applicant's employers,
      ii. The applicant's position for each employer,
      iii. The months and years of employment in each position, and
      iv. The name and telephone number of each individual who supervised the applicant during five years of employment in environmental health;
   e. If applying under A.R.S. § 36-136.01(F)(2) on the basis of military duty:
      i. Each of the applicant's billets in environmental health,
      ii. The months and years in each billet, and
      iii. The name and telephone number of each individual who supervised the applicant during five years of full-time military duty in environmental health;
   f. If applying under A.R.S. § 36-136.01(F)(3) on the basis of education in natural science:
      i. The name and address of each college or university attended,
      ii. The months and years of attendance,
      iii. Any degree obtained, and
      iv. A listing of courses in natural science completed with a grade of C or better;
   g. Whether the applicant has had an application for a registration, license, or certificate related to the practice of a registered sanitarian denied or rejected by any state or jurisdiction and if so, the:
      i. Reason for denial or rejection,
      ii. Date of the denial or rejection, and
      iii. Name and address of the state or jurisdiction that denied or rejected the application;
   h. Whether the applicant has had a registration, license, or certificate related to the practice of a registered sanitarian suspended or revoked by any state or jurisdiction or entered into a consent agreement with a state or jurisdiction and if so, the:
      i. Reason for the suspension, revocation, or consent agreement;
      ii. Date of the suspension, revocation, or consent agreement; and
      iii. Name and address of the state or jurisdiction that suspended or revoked the registration, license, or certificate or issued the consent agreement;
   i. Whether the applicant has pled guilty to, been convicted of, or entered a plea of no contest to a misdemeanor related to the applicant's employment as a sanitarian or a felony and if so, the:
      i. Felony or misdemeanor charged;
      ii. Date of conviction or plea; and
      iii. Court having jurisdiction over the felony or misdemeanor;
   j. Whether the applicant has been named as a defendant in a malpractice case resulting from the applicant's employment as a sanitarian and if so, an explanation of the circumstances of the malpractice case;
   k. The applicant's current employer, including address, job position, and dates of employment, if applicable; and
   l. A signed statement by the applicant verifying the truthfulness of the information provided;
2. If applying under A.R.S. § 36-136.01(F)(1), arrange to have a letter provided directly to the Council from each individual who supervised the applicant identifying the dates the individual supervised the applicant for at least five years of employment related to environmental health;
3. If applying under A.R.S. § 36-136.01(F)(2), arrange to have a letter provided directly to the Council from each individual who supervised the applicant identifying the dates the individual supervised the applicant for at least five years of full-time military duty in environmental health;
4. If applying under A.R.S. § 36-136.01(F)(3), arrange to have an official college or university transcript provided directly to the Council from each college or university; and
5. Submit the application fee in A.R.S. § 36-136.01(C).

D. After receiving the written notice of approval in R9-16-405(C)(1)(b), an applicant shall submit to the Council, at least 30 days before the scheduled date of a sanitarian examination, a nonrefundable examination fee of $110 payable to the Treasurer of the state of Arizona.

E. An applicant who does not take a sanitarian examination on the scheduled date shall comply with subsection (D) before taking a subsequent sanitarian examination.

F. An applicant who scores:

1. Seventy percent or more on the sanitarian examination is issued a certificate of registration; or
2. Less than 70%:
   a. Fails the sanitarian examination; and
   b. Shall meet the requirements in R9-16-402(B), (C) and (D) to sit for the sanitarian examination again.

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Amended effective April 12, 1985 (Supp. 85-2). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-403. Annual Registration Renewal

A. Except as provided in subsection (B), a registered sanitarian shall submit an application packet for registration renewal on or before December 31st of each year that includes:
1. The applicant's name and current address;
2. Whether the applicant, since the applicant last submitted a registration or registration renewal application in this state:
   a. Has had a registration, license, or certificate related to the practice of a registered sanitarian suspended or revoked by any state or jurisdiction or entered into a consent agreement with a state or jurisdiction and if so, the:
      i. Reason for the suspension, revocation, or consent agreement;
      ii. Date of the suspension, revocation, or consent agreement; and
      iii. Name and address of the state or jurisdiction that suspended or revoked the registration, license, or certificate or issued the consent agreement;
   b. Has pled guilty to, been convicted of, or entered into a plea of no contest to a misdemeanor that is related to the applicant's employment as a sanitarian or a felony and if so, the:
      i. Felony or misdemeanor,
      ii. Date of conviction, and
      iii. Court having jurisdiction over the felony or misdemeanor; or
   c. Has been named as a defendant in a malpractice case resulting from the applicant's employment as a sanitarian and if so, an explanation of the circumstances of the malpractice case;
3. The fee required in A.R.S. § 36-136.01(C); and
4. A signed statement by the applicant verifying the truthfulness of the information provided.

B. A registered sanitarian who does not submit an application packet for renewal registration by December 31 has a grace period until February 15 to submit the applicant packet. If the registered sanitarian does not submit the application packet for renewal registration in subsection (C) during the grace period:
1. The sanitarian's registration expires; and
2. The sanitarian shall, before practicing as a registered sanitarian:
   a. Submit for Council approval a new application to take the sanitarian examination and the application fee required in R9-16-402(C)(5),
   b. Receive Council approval to take the sanitarian examination,
   c. Submit the nonrefundable examination fee required in R-16-402(D), and
   d. Pass the sanitarian examination as required in R9-16-402(F)(1).

Historical Note

New Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-404. Change of Name or Address

A. A registered sanitarian shall send written notice of a change in the registered sanitarian's name to the Council within 30 days from the date of the change.

B. A registered sanitarian shall send written notice of a change in the registered sanitarian's mailing address to the Council within 30 days from the date of the change.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-405. Time-frames

A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Council is set forth in Table 1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.

B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Council is specified in Table 1.
1. The administrative completeness review time-frame begins:
   a. For an applicant applying to take the sanitarian examination, when the Council receives the application packet required in R9-16-402;
   b. For an applicant who is approved to take the sanitarian examination, when the applicant takes the sanitarian examination; or
   c. For an applicant applying to renew the applicant's registration as a sanitarian, when the Council receives the application packet required in R9-16-403.
2. If an application packet in subsection (B)(1)(a) or (B)(1)(c) is:
   a. Incomplete, the Council shall provide a deficiency notice to the applicant describing the missing documentation or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Council receives the documentation or information listed in the deficiency notice. An applicant shall submit to the Council the documentation or information listed in the deficiency notice within the time period specified in Table 1 for responding to a deficiency notice.
      i. If the applicant submits the documentation or information listed in the deficiency notice within the time period specified in Table 1, the Council shall provide a written notice of administrative completeness to the applicant.
      ii. If the applicant does not submit the documentation or information listed in the deficiency notice within the time period in Table 1, the Council considers the application withdrawn and shall return the application packet to the applicant; or
   b. Complete, the Council shall provide a notice of administrative completeness to the applicant.
3. If an applicant takes and submits the sanitarian examination in subsection (B)(1)(b) and the examination is:
   a. Incomplete, the Council shall provide a deficiency notice to the applicant stating that the applicant's sanitarian examination is incomplete and identifying the date of the next scheduled sanitarian examination. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the Council receives a completed sanitarian examination; or
   b. Complete, the Council shall provide a written notice of administrative completeness to the applicant.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) is specified in Table 1 and begins to run on the date of the notice of administrative completeness.
1. If an application for approval to take the sanitarian examination in subsection (B)(1)(a):
   a. Does not comply with the requirements in this Article, the Council shall provide a comprehensive request for additional information to the applicant.
      i. If the applicant does not submit the additional information within the time specified in Table 1 or the additional information submitted by the applicant does not demonstrate compliance with this Article and A.R.S. § 36-136.01, the Council shall deny approval to take the sanitarian examination and provide the applicant a written notice of denial that complies with A.R.S. § 41-1092.03(A); or
      ii. If the applicant submits the additional information within the time specified in Table 1 and the additional information submitted by the applicant demonstrates compliance with this Article and A.R.S. § 36-136.01, the Council shall provide a written notice of approval to take the sanitarian examination to the applicant; or
   b. Complies with the requirements in this Article and A.R.S. § 36-136.01, the Council shall provide a written notice of approval to take the sanitarian examination to the applicant.
2. If the Council determines that an applicant:
   a. Failed to sit for the sanitarian examination within the time-frame in subsection (F), the Council shall provide a written notice to the applicant requiring the applicant to submit a new application for approval to take the sanitarian examination if the applicant requests registration;
   b. Failed the sanitarian examination, the Council shall deny registration and provide a written notice of appealable agency action that complies with A.R.S. § 41-1092.03(A) to the applicant; or
   c. Passed the sanitarian examination, the Council shall issue a certificate of registration as a sanitarian to the applicant.
3. If an application for renewal of registration as a sanitarian in subsection (B)(1)(c):
   a. Does not comply with the requirements in this Article, the Council shall provide a comprehensive request for additional information to the applicant;
      i. If the applicant does not submit the additional information within the time specified in Table 1 or the additional information submitted does not demonstrate compliance with the requirements in this Article and A.R.S. § 36-136.01, the Council shall deny renewal and provide a written notice of appealable agency action that complies with A.R.S. § 41-1092.03(A) to the applicant; or
      ii. If the applicant submits the additional information within the time specified in Table 1 and the additional information submitted demonstrates compliance with the requirements in this Article and A.R.S. § 36-136.01, the Council shall issue a renewal certificate of registration as a sanitarian to the applicant; or
   b. Complies with the requirements in this Article and A.R.S. § 36-136.01, the Council shall issue a renewal certificate of registration as a sanitarian to the applicant.

D. If an applicant receives a written notice of appealable agency action in subsections (C)(1)(a)(i), (C)(2)(b), or (C)(3)(a)(i), the applicant may file a notice of appeal with the Department within 30 days after receiving the notice of appealable agency action. The appeal shall be conducted according to A.R.S. Title 41, Chapter 6, Article 10.

E. If the Council grants approval to take the sanitarian examination or renews a certificate of registration as a sanitarian during the administrative completeness review time-frame, the Council shall not issue a separate written notice of administrative completeness.

F. If an applicant does not sit for the sanitarian examination within 12 months of the Council's approval to take the sanitarian examination, the applicant shall, before taking the sanitarian examination:
1. Submit a new application for Council approval and the application fee required in R9-16-402(C);
2. Receive Council approval to take the sanitarian examination; and
3. Submit the nonrefundable examination fee required in R9-16-402(D).

G. If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the Council considers the next business day as the time-frame's last day.

Table 1. Time-frames

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Comprehensive Written Request
Sanitarian Examination (R9-16-402)	A.R.S. § 36-136.01(B)	290 days	30 days	60 days	200 days	60 days
Registration (R9-16-402)	A.R.S. § 36-136.01(B)	90 days	30 days	N/A	60 days	N/A
Annual Registration Renewal (R9-16-403)	A.R.S. § 36-136.01(C)	180 days	90 days	15 days	90 days	15 days

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Amended effective April 12, 1985 (Supp. 85-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective September 30, 2001 (Supp. 01-4). New Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-406. Authority of a Registered Sanitarian

A. A registered sanitarian may:
1. Act as an authorized representative of a regulatory authority under 9 A.A.C. 8; and
2. Sign inspection reports under 9 A.A.C. 8 and 9 A.A.C. 17.

B. An individual who is not a registered sanitarian shall not approve or disapprove operation of a food establishment under 9 A.A.C 8.

C. An individual who is not a registered sanitarian and who prepares an inspection report under 9 A.A.C. 8 and 9 A.A.C. 17 shall submit the report to a registered sanitarian.

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-407. Denial, Suspension, or Revocation

A. The Council may deny, suspend, or revoke a sanitarian's registration if the Council determines that an applicant or a registered sanitarian:
1. Intentionally provided false information on an application or cheated during the sanitarian examination;
2. Pled guilty to, was convicted of, or entered into a plea of no contest to a misdemeanor resulting from employment as a registered sanitarian or a felony;
3. Assisted an individual who is not a registered sanitarian to circumvent the requirements in this Article;
4. Allowed an individual who is not a registered sanitarian to use the registered sanitarian's registration; or
5. Failed to comply with any of the requirements in A.R.S. § 36-136.01 or this Article.

B. In determining whether to deny an applicant's registration or suspend or revoke a sanitarian's registration, the Council shall consider the threat to public health based on:
1. Whether there is repeated non-compliance with statutes or rules,
2. Whether there is a pattern of violations or non-compliance,
3. Type of violation,
4. Severity of violation, and
5. Number of violations.

C. The Council's notice of denial, suspension, or revocation to the applicant or registered sanitarian, notice of hearing, and all hearing procedures shall comply with A.R.S. Title 41, Chapter 6, Article 10.

D. The Council shall provide written notice of a registered sanitarian's denial, suspension, or revocation containing a description of the sanitarian's noncompliance with applicable statutes and rules, by certified mail, to each local health department and each public health service district.

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-408. Repealed

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-409. Repealed

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Amended effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-410. Repealed

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Former Section R9-16-410 repealed, new Section R9-16-410 adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-411. Repealed

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Former Section R9-16-411 renumbered as Section R9-16-414, new Section R9-16-411 adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-412. Repealed

Historical Note

Adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-413. Repealed

Historical Note

Adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-414. Expired

Historical Note

Former Section R9-16-411 renumbered as Section R9-16-414 effective April 12, 1985 (Supp. 85-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective September 30, 2001 (Supp. 01-4).